

Maine Judicial Branch Language Access Plan



Expanding Language Access in the Maine State Courts

January 1, 2019 – December 31, 2020





A. Public Notice

Purpose

The Maine Judicial Branch's (Judicial Branch) Language Access Plan (Plan) is developed to meet the requirements of federal law and State law, orders, and rules, and to provide a comprehensive framework for engaging in the continuous improvement of access to justice in the Maine state courts for individuals with limited English proficiency. This Plan is a statewide plan to identify the needs of Maine court users who are limited English proficient, to develop and implement language services and communication aids to meet those needs, and to report on the success of the Judicial Branch's responsiveness to language access needs in the Maine state courts.

Points of Contact

Within the Judicial Branch's Office of Court Access, the Communication Access Specialist has primary responsibility for facilitating language access in the Maine state courts.

Relying on the Office of Court Access and the Communication Access Specialist, the Judicial Branch will review, update and publish this Plan biennially (every two years). In addition, the Office of Court Access will, at a minimum, review progress on the Plan annually and post the results of that review on the [Judicial Branch Limited English Proficiency Information](#) webpage.

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Publication

This Plan is publicly available on the Judicial Branch's website. Printed copies are available upon request. The Plan will be shared with the Department of Justice, LEP.gov, various State and County Bar Associations, and other justice partners; as well as State agencies, community-based organizations, and legal services providers working with limited English proficient and deaf and hard-of-hearing populations in Maine.





B. Acknowledgements

Maine Judicial Branch

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C. Executive Summary

Limited English proficiency (LEP) refers to the inability to adequately understand or communicate effectively in English. This applies to individuals whose primary language is a language other than English and whose ability to speak English is not at the level of comprehension and expression needed to participate effectively in court transactions and proceedings, including individuals whose primary language is American Sign Language (ASL).

The Judicial Branch is committed to providing equal access to the Maine courts by identifying and eliminating barriers to justice. Through this Plan, the Judicial Branch is demonstrating its ongoing commitment to its goal that individuals with limited English proficiency have full, meaningful, and fair access to justice in Maine's state courts.

The purpose of this Plan is to identify language access needs in the Maine state courts and to develop and implement language services and communication aids to meet those needs in order to provide and improve language access as required by relevant federal law, State law, and the applicable Administrative Orders, Rules, and strategic priorities of the Supreme Judicial Court. Additionally, this Plan—and successive versions of this Plan—will report on the Judicial Branch's responsiveness to language access needs, including major language access accomplishments and initiatives designed to expand language access to the Maine state courts. Specific tasks and initiatives, and allocation for responsibilities, are summarized in Appendix B, appended hereto.

This Plan represents the collaboration of a number of groups and individuals, notably the members of the LEP Advisory Committee, the Office of Court Access, and the National Center for State Courts. The LEP Advisory Committee is charged with advising Judicial Branch leadership in developing and maintaining a comprehensive system for providing and improving access to Maine state courts for individuals with limited English proficiency or hearing loss.

While Maine's LEP communities are relatively small compared to many other states, the greater Portland and Lewiston/Auburn areas are experiencing increases in the number of individuals with limited English proficiency. One of the greatest challenges facing the Maine state courts is the variety of languages being spoken compared to the language resources currently available.

Led by the Supreme Judicial Court, the Chiefs of the Trial Courts, and the State Court Administrator, the Judicial Branch is committed to providing effective and consistent language access for LEP individuals. Guided by this Plan, and the efforts of the Office of Court Access, the Judicial Branch is well-positioned to comply with the language access requirements of the law by providing LEP individuals with meaningful access to justice in the Maine state courts.





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1. Introduction

Maine Judicial Branch Mission: To administer justice by providing a safe, accessible, efficient, and impartial system of dispute resolution that serves the public interest, protects individual rights, and instills respect for the law.

Access to justice is integral to the Judicial Branch's mission and one of the Judicial Branch's highest priorities. While Maine's population of people with limited English proficiency is not extensive, the scope of diversity in Maine, especially in Southern Maine, is growing and the Maine state courts must respond to increasing language access needs. The ability of all linguistic minorities to meaningfully participate in the court system is central to the Judicial Branch's commitment to provide full, meaningful, and fair access to the courts for all who seek justice.

This Plan¹ covers the period starting on January 1, 2019, and ending on December 31, 2020, and describes the current policies, procedures, and practices implemented throughout the Maine state courts to provide access to justice to all limited English proficient (LEP) individuals, including those who are deaf, hard of hearing, and late-deafened.

The Plan also describes efforts to continually improve language access services in the Maine state courts. Reports detailing the effectiveness of this Plan will be developed annually and a full report, which describes the outcomes related to goals and initiatives, will be developed and disseminated by July 1, 2020, so that any goals and initiatives that require follow-up will be identified in the succeeding Plan.

This Plan is fully supported by the Supreme Judicial Court (SJC) and will be administered by the Judicial Branch's Office of Court Access,² and guided by the LEP Advisory Committee.

¹ Judicial Branch Administrative Order JB-06-03 addresses the right to language access for all individuals with a limited ability to communicate in English, whether because their primary language is not English or because they are deaf or hard of hearing and communicate using sign language. By using the term "language access," this Plan intends to cover court communication access for all LEP individuals.

² The Office of Court Access is comprised of the Director of Court Services, the Court Access Coordinator, and the Communication Access Specialist.





1.1 History of Language Access in the Maine State Courts

The Judicial Branch has been a leader in providing access to justice to LEP individuals and communities. In 2005, the SJC established the LEP Task Force to create a Branch-wide LEP Program Plan. The Task Force's work resulted in the adoption of Judicial Branch policies and administrative orders related to language access, and individual members of the Task Force continued to work on LEP projects until 2012, at which time the LEP Advisory Committee³ was established.

The LEP Advisory Committee has members representing the needs and interests of people with limited English proficiency and people who are deaf, late-deafened and hard of hearing, and includes judicial officers and court staff who interact with LEP individuals. This Standing Advisory Committee exists to assist the Judicial Branch address language access needs in the Maine courts.

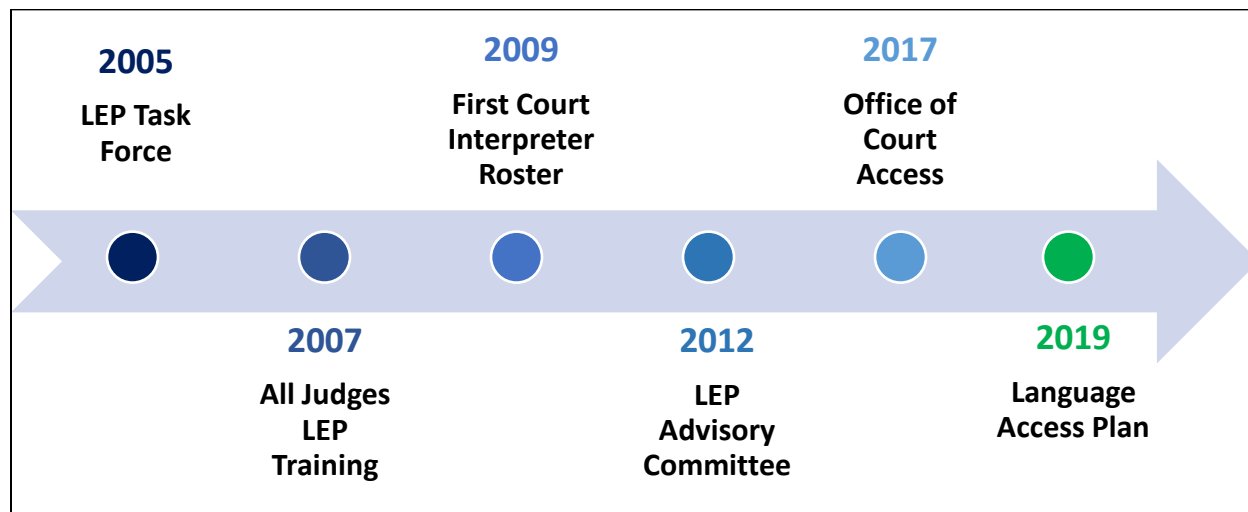


Figure 1: Timeline of Major Judicial Branch Language Access Initiatives

All substantive modifications to language access policies and practices, including all significant language access initiatives and proposals, are reviewed with the LEP Advisory Committee, as well as by the State Court Administrator and the Chiefs of the Trial Courts, and are ultimately reviewed and approved by the SJC.

Following is a brief history of the major accomplishments in the Judicial Branch's language access program until the creation of the Office of Court Access in 2017:

³ Find a description of the LEP Advisory Committee's background, membership, and other information at: www.courts.maine.gov/maine_courts/committees/lep.html.





- **2005** – Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings approved by the Judicial Branch.
- **2005** – Judicial Branch Task Force on Limited English Proficiency (LEP Task Force) created by the SJC to develop an LEP program for the Judicial Branch.
- **2006** – Administrative Order JB-06-03 promulgated by the SJC, formalizing for the first time that: "Maine's State Courts will provide all LEP individuals who are parties or witnesses in any type of court case, or parents of minors involved in juvenile actions, with an interpreter in all court proceedings, at the State's expense."
- **2006** – Clerk procedures for working with LEP individuals created.
- **2009** – LEP and interpreter information section of the Judicial Branch website created.
- **2012** – LEP Advisory Committee established to assume the work of the LEP Task Force and Access to Justice Coordinator position created.
- **2013** – Vital Documents Subcommittee of the LEP Advisory Committee created to identify and prioritize translation of Judicial Branch vital documents.
- **2015** – "Diversity and Sensitivity" online training developed and required for court staff.
- **2015** – Access to Justice Coordinator position divided into two positions: Civil Process and Court Access Manager and Communication Access Specialist, who focuses entirely on language access issues.

Beginning in 2017, the Judicial Branch intensified its efforts to provide full, meaningful, and fair language access to the courts with the creation of the Office of Court Access and refining the position of Civil Process and Court Access Manager to Court Access Coordinator, who focuses entirely on court access issues. The Office of Court Access includes the Director of Court Services, the Court Access Coordinator, and the Communication Access Specialist, who manages the Judicial Branch's language access program. Together, the Office of Court Access concentrates on increasing access to justice for all persons, especially LEP individuals, people with disabilities, and unrepresented litigants.

In 2017-2018, the Office of Court Access accomplished many language access improvements. It developed resource guides for judicial officers, court clerks, and judicial marshals; displayed public notification of Judicial Branch language assistance services; conducted multiple trainings for court staff; developed the Judicial Branch's first database of qualified court interpreters; upgraded all courtroom assistive listening systems; translated additional court forms and guides for the public; and designed several language access initiatives with the guidance of the LEP Advisory Committee, including, but not limited to, Video Remote Interpretation in the courts.





1.2 Demographic Snapshot of Maine

According to the U.S. Census Bureau, Maine's population in 2016 was approximately 1.3 million people, spread over almost 31,000 square miles. The greater Portland metropolitan area is the most densely populated area in the state, with nearly 40 percent of Maine's total population.

Foreign-Born and Immigrant Populations

According to the U.S. Census Bureau's American Community Survey data from 2016, approximately 3.8 percent of Mainers are foreign born,⁴ and around 1.7 percent speak English "less than very well" and are therefore considered to be of limited English proficiency.⁵

The foreign-born population of Maine is small, yet diverse. As seen in Figure 2, the majority of immigrants currently in Maine are from Asia (primarily from China, the Philippines, and Vietnam); followed by North America (Canada); Europe (primarily from the United Kingdom and Germany), Africa (primarily from Eastern Africa); Latin America; and Oceania (Australia and New Zealand).⁶

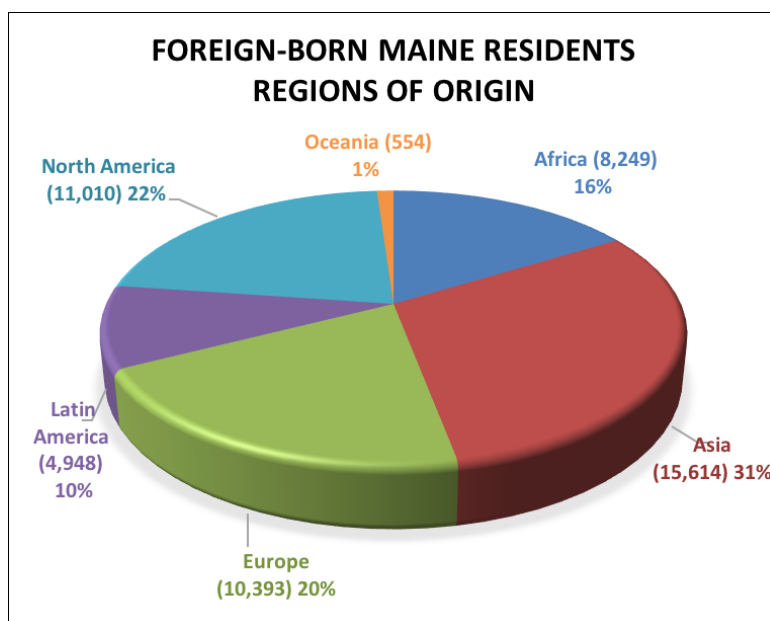


Figure 2: Foreign-Born Maine Residents, Regions of Origin.

⁴ Find the *State Immigration Data Profile: Maine*, Migration Policy Institute, at: www.migrationpolicy.org/data/state-profiles/state/demographics/ME/. Migration Policy Institute tabulations of data from the U.S. Census Bureau's American Community Survey and Decennial Census.

⁵ Find the *US Immigration Trends: Total LEP Population (Age 5 and Older): Number and Share by State, 1990, 2000, 2010, 2016*, Migration Policy Institute, at: www.migrationpolicy.org/programs/data-hub/us-immigration-trends-labor.

⁶ *State Immigration Data Profile: Maine*.





While Maine's LEP population is currently small, spoken language access needs in Maine are diverse and can change swiftly due to dynamic immigration trends. For example, as seen in Figure 3, in 2005 the top countries of origin for new immigrants in Maine were Brazil and China, whereas in 2014 new immigrants originated primarily from Iraq and India.

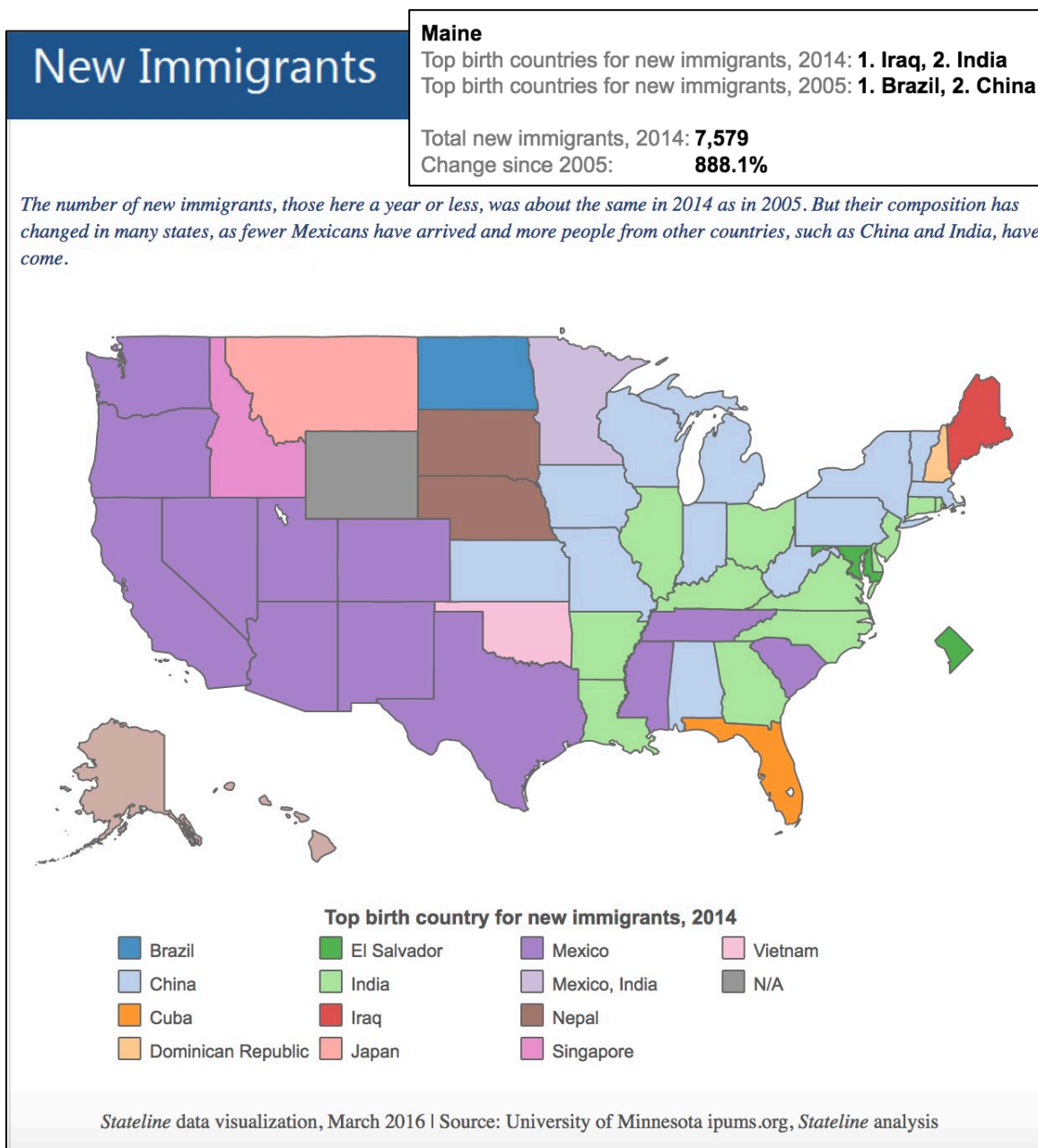


Figure 3: Top Countries of Origin for New Immigrants in Maine, 2014.⁷

⁷ Find the interactive map regarding top countries of origin for new immigrants in 2014 at: https://public.tableau.com/profile/the.pew.charitable.trusts-/vizhome/NewImmigrants_0/Dashboard1. Hover over this online map for state-specific immigrant data.





Mainers also include foreign-born immigrants who were originally resettled in a different location in the United States and have since relocated to Maine—such as many of Maine’s Somali residents. This general trend is often known as “secondary migration” and is a term used in U.S. refugee policy to refer to refugees moving from the U.S. state where they were initially resettled to another state. Many of Maine’s immigrants are asylees and refugees, due in large part to this secondary migration, and now immigrants from African nations, in particular, make up approximately 16 percent of the foreign-born population in Maine, compared to only 4 percent of the foreign-born population in the United States.

To illustrate, as of 2012 there were an estimated 5,000 Somali immigrants residing in Lewiston/Auburn,⁸ comprising about 10 percent of its total population—one of the highest concentrations of Somali immigrants in any city of the United States—and an estimated 5,000 more Somali immigrants, at least, residing in Portland.⁹

Maine also has a significant number of seasonal migrant workers in industries such as agriculture, forestry, and fish processing who are also entitled to access to justice in Maine.

The Deaf, Hard-of-Hearing, and Late Deafened Population

Based on the latest available estimates by the American Community Survey data, 2.8 percent of people in Maine (approximately 21,500) aged 21-64 reported having a hearing disability, and 4.9 percent of people in Maine of all ages (approximately 64,000), including juveniles and seniors, reported having a hearing disability.¹⁰

Language Access Needs in the Maine State Courts

The demographic diversity in Maine accordingly presents a range of language access needs in the State’s courts. According to interpreter-usage data as of June 2017, the top expenditures statewide for language services were highest in the following languages: Somali, ASL, Arabic, Spanish, French, Vietnamese, Swahili, Chinese (including Mandarin, Cantonese, and Taiwanese), and Khmer, in that order, with some regions reporting additional needs beyond these top statewide language requests. Needs are emerging for Greek, Portuguese, Filipino/Tagalog/Cebuano, and Hindi interpreters. Additionally, the greater Portland and Lewiston/Auburn regions have seen an increase in state court interpreter requests for Lingala and Kinyarwanda.¹¹

⁸ Jakimides, Annaliese. *“The Story of Us - Perspectives on Immigration”*. The Maine Humanities Council Newsletter, Winter 10-11. Found at: www.mainehumanities.org/blog/print-newsletters/

⁹ *“A New Group Seeks to Be Voice of Somali Community in Portland”*. MPBN. June 24, 2011.

¹⁰ Find 2016 Disability Status Report, Maine, compiled by Cornell University, at: www.disabilitystatistics.org/.

¹¹ Lingala is a Bantu language spoken in parts of the Republic of the Congo and the Democratic Republic of the Congo, as well as, to some degree, in Angola and the Central African Republic. Kinyarwanda is the official language of Rwanda and is also spoken in Eastern Congo and adjacent parts of southern Uganda.





As seen in Figure 4, the language services demanded by each of Maine's eight (8) court regions vary considerably.

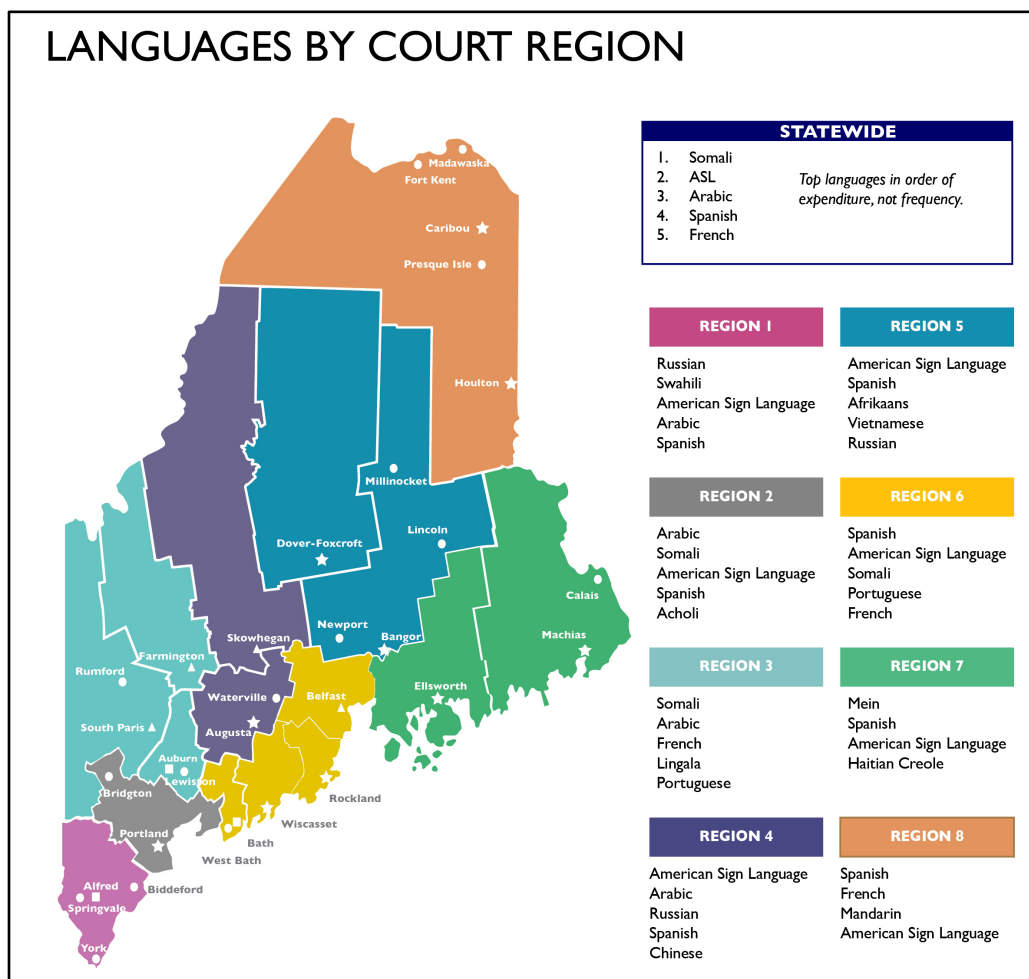


Figure 4: Top Interpreter Needs by Court Region (FY 2017).

Because this interpreter-usage information is currently based only on amounts spent per language per courthouse, it may not reflect the actual number of individual requests for a particular language and is, accordingly, only a general indicator of language use.

Maine State Courts will provide all LEP individuals who are parties or witnesses in any type of court case, or parents of minor involved in juvenile actions, with an interpreter in all court proceedings, at the State's expense.

— Administrative Order JB-06-03





2. Framework

2.1 Legal Framework for Language Access

Access to the Maine state courts for LEP individuals is directed by federal law, Maine state law, and Administrative Orders, Court Rules, and policies set by the SJC. The SJC has identified improving language access as a strategic priority for the Judicial Branch, in accordance with its mission.

Spoken Language Access under Federal Law

An LEP person's right to spoken language assistance is federally provided under Title VI of the Civil Rights Act of 1964,¹² which prohibits any agency receiving federal funds from discriminating on the basis of race, color, or national origin. As a recipient of federal funds, Title VI of the Civil Rights Act of 1964 (Title VI) applies to the Judicial Branch.

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

— Title VI of the Federal Civil Rights Act of 1964

Language is an element of national origin and therefore covered under Title VI protections.¹³ In accordance with guidance issued by the United States Department of Justice (DOJ) to meet the requirements of Title VI, the Judicial Branch must take reasonable steps to ensure meaningful access to court services, programs and activities by LEP individuals.¹⁴

¹² 42 U.S.C. §§ 2000d *et seq.*

¹³ "In Lau v. Nichols, 414 U.S. 563 (1974), the Supreme Court faced a challenge by Chinese-speaking students to a school district's policy of offering instruction only in English. Siding with the students, the Court concluded that the failure to provide information and services in languages other than English could result in discrimination on the basis of national origin where the failure to do so resulted in a significant number of limited English proficiency (LEP) beneficiaries from the same language minority being unable to fully realize the intended benefits of a federally assisted program or activity.... The core holding in Lau—that the failure to address limited English proficiency among beneficiary classes could constitute national origin discrimination—has equal vitality with respect to any federally assisted program or activity providing services to the public." DOJ Title VI Legal Manual, January 11, 2001, found at: www.justice.gov/crt/fcs/Title-6-Manual.

¹⁴ Find *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41455 (June 18, 2002), at: www.gpo.gov/fdsys/pkg/FR-2002-06-18/pdf/02-15207.pdf.





Designed to be a flexible and fact-dependent standard, the Judicial Branch shall provide language assistance services by balancing four factors:

1. the number or proportion of LEP persons served or encountered by the Judicial Branch;
2. the frequency with which LEP individuals come in contact with the Judicial Branch;
3. the nature and importance of the program, activity, or service provided by the Judicial Branch to people's lives; and
4. the resources available to the Judicial Branch and costs.¹⁵

According to the DOJ, after considering these four (4) factors, the Judicial Branch may conclude that different language assistance measures are sufficient for its different types of services, programs and activities. The intent of this DOJ guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens.¹⁶

After considering these four factors and deciding what language assistance services are appropriate, a recipient of federal funds should develop an implementation plan to address the identified needs of the LEP populations it serves.¹⁷ The DOJ suggests that an effective LEP plan would likely include: identification of LEP individuals who need language assistance; the ways language assistance will be provided; staff training; notice to LEP individuals of language assistance services; and, where and when appropriate, a plan for reevaluating the LEP plan.¹⁸

This Language Access Plan is largely designed in response to this DOJ guidance.

Language Access for Deaf and Hard-of-Hearing Individuals Under Federal Law

At the federal level, the Americans with Disabilities Act (ADA) protects the right of deaf and hard-of-hearing individuals to access the courts and mandates the provision of reasonable accommodations.¹⁹ Under the ADA, all deaf, hard-of-hearing, and late-deafened individuals accessing the Maine state courts, including court users and court observers, are entitled to a sign language interpreter and other reasonable accommodations.

¹⁵ 67 Fed. Reg. at 41459.

¹⁶ 67 Fed. Reg. at 41459.

¹⁷ 67 Fed. Reg. at 41464.

¹⁸ 67 Fed. Reg. at 41464-65.

¹⁹ 42 U.S.C. §§ 12131-12134; 28 CFR §§ 35.101-35.190 (ADA Title II Regulations).





Spoken Language Access Under Maine State Law

Under Maine state law, Title 5 of the Maine Revised Statutes, [5 M.R.S. §51](#),²⁰ the Maine state courts must appoint a qualified interpreter or use a professional telephone-based interpretation service for an LEP person appearing before the court.

Language Access for Deaf and Hard-of-Hearing Individuals Under Maine State Law

Interpretation services for individuals who are deaf, hard of hearing, and late-deafened are governed by [5 M.R.S. § 48-A](#),²¹ entitled “Communication services for deaf persons, hard-of-hearing persons, and late-deafened persons in court and other legal settings.” [5 M.R.S. §48-A](#) sets forth the requirements for providing a qualified legal interpreter for deaf and hard-of-hearing individuals. The statute also specifies the requirements for “qualified legal interpreter,”²² namely that the interpreter “possess qualifications, certifications or credentials to interpret in court proceedings as established by the Supreme Judicial Court”²³ or be licensed.²⁴

Maine Supreme Judicial Court Administrative Orders

[Administrative Order JB-06-03](#) provides the “Guidelines for Determination of Eligibility for Court-Appointed Interpretation and Translation Services,” under which the Judicial Branch provides interpreter or translation services for LEP individuals in the Maine state courts.²⁵ Limited English Proficiency is defined as the “inability to adequately understand or communicate effectively in English in a court proceeding. This phrase applies to individuals whose primary language is a language other than English and whose ability to speak English is not at the level of comprehension and expression needed to participate effectively in court transactions and proceedings, including individuals whose primary language is American Sign Language” (ASL).²⁶

²⁰ [5 M.R.S. §51](#), found at: www.mainelegislature.org/legis/statutes/5/title5sec51.html.

²¹ [5 M.R.S. § 48-A](#), found at: www.mainelegislature.org/legis/statutes/5/title5sec48-A.html.

²² The Registry of Interpreters for the Deaf, Inc. announced, effective June 1, 2016, a moratorium on offering specialized testing—including the Specialist Certificate: Legal (SC:L) exam—due to a lack of fiscal resources for test development. [5 M.R.S. §48-A](#) was amended in 2017 in response to the moratorium on SC:L testing and certification in Maine.

²³ [5 M.R.S. §48-A\(M\)\(1\)\(d\)](#).

²⁴ Licensure requirements are established in [32 M.R.S. §1524-B](#), found at: www.mainelegislature.org/legis/statutes/32/title32sec1524-B.html.

²⁵ [JB-06-03](#) became effective initially on October 11, 2006 and was significantly amended on October 24, 2017 to reflect statutory changes to [5 M.R.S. § 48-A](#) in 2017 establishing updated qualification, certification, and credentialing standards for ASL interpreters serving in court proceedings. [JB-06-03](#), as amended, became effective November 1, 2017 and is found at: www.courts.maine.gov/rules_adminorders/adminorders/JB-06-3.html.

²⁶ [JB-06-03](#).





Importantly, “Maine’s State Courts will provide all LEP individuals who are parties or witnesses in any type of court case, or parents of minors involved in juvenile actions, with an interpreter in all court proceedings, at the State’s expense. ‘All court proceedings’ includes case management conferences, CADRES and judicially-assisted mediations, dispositional conferences, motion hearings, arraignments, commitment hearings, competency hearings, jury selection, trials, sentencing, appellate arguments, grand jury proceedings, and any other court events or proceedings authorized by the presiding judge or justice.”²⁷

In response to the 2017 statutory changes to 5 M.R.S. §48-A, JB-06-03 now also provides guidance on ASL interpreter qualifications for court proceedings.²⁸

[Administrative Order JB-12-01](#) provides governing standards and procedures for the electronic recording of court proceedings.²⁹ It requires that all proceedings in which a spoken language interpreter is used must be recorded and monitored by a court clerk or other appropriate court staff, whether or not a court reporter is present.³⁰

[Administrative Order JB-05-20](#), regarding “Public Information and Confidentiality,”³¹ provides, in Section V titled “Provision of Information to Interpreters,” that an interpreter assigned in a case must be allowed to review all public portions of a court file in order to prepare for a hearing, conference, or trial.³² It also includes provisions for viewing portions of a child protective case and juvenile case.³³ In addition, JB-05-20 provides that an interpreter may, with the consent of the parties, review other case information needed to confirm “that the interpreter has no conflicts that would limit his or her participation in the case, and to ensure that the interpreter is fully prepared for the proceeding.”³⁴

²⁷ JB-06-03(I).

²⁸ JB-06-03(II).

²⁹ JB-12-01, as amended, became effective September 25, 2017 and is found at:
www.courts.maine.gov/rules_adminorders/adminorders/JB-12-1.html.

³⁰ When present, court reporters are unable to create a record of the non-English spoken language interpretation. Recording proceedings in which a spoken language interpreter is utilized is vital to due process, so that if the quality of the spoken language interpretation is called into question, there is a recording that may be reviewed by a third-party expert.

³¹ JB-05-20, was amended to clarify that the record taken by an Official Court Reporter at a court proceeding is the official court record, regardless of whether an electronic recording is made at the same time, as in the instance of a court proceeding recorded because a spoken language interpreter is used. JB-05-20, as amended, became effective September 25, 2017 and is found at:
www.courts.maine.gov/rules_adminorders/adminorders/JB-05-20.html.

³² JB-05-20(V)(A).

³³ JB-05-20(V)(B-C).

³⁴ JB-05-20(V)(D).





Maine State Court Rules

The Judicial Branch Court Rules also address the use of interpreters. [M.R. Civ. P. 43\(l\)](#), provides that Maine state courts may appoint and compensate a neutral interpreter—for a spoken language or for sign language—to interpret the testimony of a witness in court.

[M.R. Evid. 604](#), titled “Interpreters,” establishes that “[a]n interpreter must be qualified and give an oath or affirmation to make a true translation.”

Priorities and Strategies for Maine’s Judicial Branch

In March 2015, the SJC issued its “Priorities and Strategies for Maine’s Judicial Branch” for 2015-2017 ([Strategic Plan](#)). The priorities and strategies in this Strategic Plan are ongoing and designed to support and advance the mission of the Judicial Branch, which is:

[t]o administer justice by providing a safe, accessible, efficient and impartial system of dispute resolution that serves the public interest, protects individual rights and instills respect for the law.

In its Strategic Plan, the SJC identifies three strategic priorities: (1) Access to Justice; (2) Effective and Efficient Delivery of Justice; and (3) Public Trust and Confidence. Under Strategic Priority (1): Access to Justice, the SJC recognizes that “access to justice for all citizens is an enduring concern for Maine’s Judicial Branch” and prioritizes “a justice system that is safe, accessible, affordable, and understandable.” This access to justice priority focuses on “informed participation in court proceedings by all litigants, including those who are unrepresented[,] and the needs of linguistic minorities.”

The Strategic Plan goes on to list strategies for meeting Priority (1) and provides for the expansion of language access by improving services through collaborations at the national and regional levels, surveying courts to assess language access needs, and seeking grant funding if possible and legislative funding if necessary. Although not directly aimed at language access, other strategies that will improve court access for LEP and deaf and hard-of-hearing individuals include efforts to better inform litigants about how to meaningfully participate in their court matters and to eliminate unnecessary appearances and reduce costs and expenses related to court access.

The Judicial Branch has already undertaken many of these strategies. Most directly, it completed a survey and language assistance needs assessment of the Maine state courts.³⁵ This Plan incorporates the survey findings where appropriate.

³⁵ In October 2016, the National Center for State Courts (NCSC), as a consultant to the Judicial Branch, conducted a survey of Maine state courts to determine language access needs, services provided, language access practices, and use of technology to provide language access. The NCSC’s findings were reported to the Judicial Branch in January 2017.





In addition, this Plan further addresses Priority (1) by setting forth a formalized plan for language access, including: provisions to ensure the quality of language assistance service providers so that court users can more effectively participate in proceedings; collaboration with other courts and regional and national justice partners; and identification of additional initiatives to assist the Judicial Branch in improving access for all residents in the State.

Policy on Access for People with Disabilities

In addition, the Judicial Branch's *Policy on Access for People with Disabilities* clearly delineates, among other accessibility provisions, the obligation of the Judicial Branch under the ADA to provide qualified sign language interpreters at no cost to deaf or hard-of-hearing individuals.³⁶



No Private Right

Other than as required by relevant law and administrative order, the guidelines, goals and tasks identified in this Plan may be modified, superseded or rescinded at any time and do not create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

³⁶ Found at: www.courts.maine.gov/maine_courts/admin/ada/policy.html.





2.2 Overview of the Maine Judicial Branch

Maine's Judicial Branch is a unified system operating in each of Maine's sixteen (16) counties and consisting of District Courts, Superior Courts, and the Supreme Judicial Court (SJC). Maine's Probate Courts are extensions of County Government and do not fall under the authority of the Judicial Branch.

The SJC is the highest court in the State, principally responsible for deciding appellate matters from the lower courts, and consists of a Chief Justice and six (6) Associate Justices. The SJC is also charged with promulgating all Rules of Court, oversight of all administrative functions and budgets, and other court-related administrative matters.

The Superior Courts are the only courts in which civil jury trials are held and consist of a Chief Justice, a Deputy Chief Justice and fifteen (15) full-time justices. Superior Court justices also hear jury-waived matters, handle certain initial appeals, administrative actions, post-conviction reviews, and rule on other pre-trial and post-verdict matters.

The District Courts are Maine's primary non-jury trial courts and consist of a Chief Judge, a Deputy Chief Judge, thirty-eight (38) full-time judges and eight (8) Family Law magistrates. Almost all family law, protection from abuse, protection from harassment, child protective, small claims, juvenile, forcible entry and detainer, and other civil violations such as contested traffic infractions are heard in the District Court.

Maine is divided into eight (8) court regions, tracking the eight (8) prosecutorial divisions, and there are thirty-five (35) court locations across the State. Trial schedules are set by regional scheduling judges, in consultation with the Chiefs of the Trial Courts in each respective court. The State's criminal dockets in the District and Superior Courts have been consolidated into a Unified Criminal Docket and now all criminal matters are heard by judicial officers from each trial court.

The Administrative Office of the Courts (AOC) provides statewide, centralized administration to the Judicial Branch and all Maine state courts, including fiscal and staffing services, planning, facilities management, technology, statistical reporting, public information, and oversight of court clerks' offices and court services.





3. Assessment

The first step toward improving access to justice for LEP individuals is the identification of unmet language access needs. The Judicial Branch as a whole, and local courts individually, must understand the needs of the populations they serve in order to meet those needs.

3.1 Data Collection and Analysis

The current case management system (the Maine Judicial Information System, known as MEJIS) does not track interpreter use information. To compensate for this, the Communication Access Specialist currently collects statistics on court interpreter use in the State through the submission, by local courts, of interpreter invoices and requests for reimbursement for interpreter costs. The AOC Finance Office codes payment of invoices as they are entered into the accounting system, allowing for Judicial Branch expenditure reporting by language and court location.

The Finance Office provides quarterly reports and annual summary reports of expenditures on interpreter services. In addition, Language Line Services, Inc. (Language Line), the company with which the Judicial Branch contracts to provide telephonic interpretation services, tracks the languages interpreted and the number of minutes per language provided. This information is provided to the Finance Office on monthly billing statements and can be aggregated for any time frame to create reports upon request.

Interpreter data derived only from expenditures may not accurately reflect actual language assistance needs at the local court level due to factors such as travel costs or varying rates. For example, ASL costs may be greater than spoken language interpreter costs due in part to higher negotiated hourly rates and paid travel time³⁷ versus paid mileage, but do not necessarily represent a greater number of ASL interpreter requests than for some spoken languages. Language-use information based on expenditures also may be skewed because cost information does not differentiate between amounts paid for interpreter services and other language access services, such as translation. Because costs incurred for translations are not separately identified, one (1) case requiring spoken language interpretation as well as extensive translation of case-specific documents would result in greater expenditures than another case not requiring as many translations and, consequently, suggest a greater need for services in that language than actually exists.

³⁷ Travel costs for ASL interpreters are significant given that the majority of the State's legally qualified ASL interpreters are located in Southern Maine. In addition, no video remote interpreting options are currently available for court proceedings to alleviate these travel costs.





Nevertheless, these financial reports provide the Communication Access Specialist some information regarding the language assistance needs of LEP court users and aid in determining language trends. In addition, calls from court clerks requesting special assistance in locating interpreters for spoken languages not represented on the Judicial Branch's roster of in-state qualified court interpreters also help the Communication Access Specialist focus on which languages need more interpreter recruitment and court form translations.

It is often difficult to predict future needs for language assistance as new populations with new languages may appear in court unexpectedly. In order to ensure that the Maine state courts are meeting evolving language access needs of LEP individuals effectively, the Communication Access Specialist will: (1) assess financial reports relating to specific expenditures for language services identified by particular languages; (2) monitor court clerk requests for specific language assistance; (3) continue to develop existing and new relationships with community organizations and justice partners serving immigrant and refugee populations in Maine; and will incorporate this information in the annual LEP Advisory Committee Report.

3.2 Identification of Language Assistance Needs

A critical component of an effective and efficient language access plan is identifying a court user's language assistance needs early and building systems to ensure that, once identified, those needs are met on an ongoing basis.

The Judicial Branch has implemented a number of mechanisms to help identify a court user's language assistance needs. These mechanisms include: self-identification by court users; identification by court staff and judicial officers; and information provided by justice partners about known needs of parties and witnesses. The implementation of the new case management system will aid in tracking trends related to serving LEP court users.



Self-identification by LEP Court Users

All Maine state courts publicly display multilingual signage informing court users that interpreting services are available. In 2017, the Office of Court Access created signs for waiting areas and court clerks' offices. These signs, translated into the eight (8) most frequently requested languages in Maine state courts, alert court users that the court will provide an interpreter free of charge. Any LEP individual may request an interpreter simply by notifying a court clerk—written requests for an interpreter are not required.



Figure 5: Judicial Branch Language Services Sign.

Deaf, hard-of-hearing, and late-deafened court users, in particular, may request additional communication assistance using the [Interpreter Request Form](#),³⁸ the [Disability Accommodation Request Form](#),³⁹ or by notifying a court clerk. Written requests for a sign language interpreter or other disability accommodation are not required.

No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity.

— Americans with Disabilities Act, Title II, 28 C.F.R §35.130

³⁸ Found at: www.courts.maine.gov/citizen_help/access_interp.html.

³⁹ Found at: www.courts.maine.gov/citizen_help/access_interp.html.



Identification by Court Staff and Judicial Officers

Court staff and judicial officers may determine that an interpreter is necessary for a court user's meaningful access to justice and proactively inform them of their right to an interpreter provided by the court. If an individual appears to have difficulty communicating due to a language or other communication barrier, court staff have language identification ("I Speak") cards featuring 100 translations of the phrase: "Point to your language. An interpreter will be called. The interpreter is provided at no cost to you." As appropriate, a spoken language interpreter will be contacted—telephonically through Language Line—to interpret information about available court services. These language identification ("I Speak") cards also have ASL listed. The Communication Access Specialist, on an annual basis, shall remind all court staff who regularly have contact with the public of their role in facilitating language services where the need is indicated.

In 2017, the Communication Access Specialist visited every district and superior court in Maine and trained court clerks and designated LEP Coordinators on best practices for interpreter scheduling and communicating with LEP individuals. The Communication Access Specialist will continue to provide court clerks on-site training and additional support as needed so that the language assistance needs of all court users are efficiently and appropriately addressed.

There are currently no statewide standards for the assessment of bilingual proficiency for court staff and so court staff are strongly discouraged from providing interpreting services. For communications in clerks' offices, clerks should access Language Line for qualified spoken language interpreters or use Video Remote Interpretation, where available, to communicate with deaf court users. Under exceptional circumstances of immediate need, bilingual staff may interpret limited court communications, such as notification of a continuance or other short, non-evidentiary events. Otherwise, the Judicial Branch will schedule qualified interpreters to provide legal interpretation, at no cost to the LEP individual.

As LEP Coordinators and other court staff identify additional strategies that may assist LEP and deaf or hard-of-hearing individuals to self-identify their language assistance needs, they are invited to direct those suggestions to the Communication Access Specialist.

Identification by Justice Partners

Justice partners, such as civil legal aid organizations and law enforcement and local jail staff, may know about the language assistance needs of parties or witnesses and may indicate those needs, or even request interpreter services on their behalf, by asking a court clerk, emailing interpreters@courts.maine.gov, or contacting the Communication Access Specialist directly. Alternatively, the Judicial Branch has an [Interpreter Request Form](#) publicly available on its "Accessibility and Interpreters" webpage, which may be completed and submitted to the clerks' office to request a spoken language interpreter for a court matter.⁴⁰

⁴⁰ Found at: www.courts.maine.gov/citizen_help/access_interp.html.





4. Delivery

Maine has become increasingly diverse, and the Maine Judicial Branch continues to respond to a more diverse community. In addition, the Judicial Branch continues to respond to the needs of Maine's deaf, late-deafened, and hard-of-hearing communities. Assuring language and hearing access to justice requires planning and a consistent commitment to quality service in court proceedings.

— Judicial Branch, LEP Advisory Committee

4.1 Providing Language Access

Responsibility for implementing this Language Access Plan in the Judicial Branch rests with: the Office of Court Access and the Communication Access Specialist, the local trial courts, and the LEP Advisory Committee.

The Office of Court Access

In 2017, the current Office of Court Access was established and is comprised of the Director of Court Services, the Court Access Coordinator, and the Communication Access Specialist. Together they monitor and further language access in the courts, relying on the training and experience of the Communication Access Specialist.

The Communication Access Specialist

The work to establish and expand language access to the Maine state courts is currently driven by the Communication Access Specialist, with the active support of the other members of the Office of Court Access and guidance from the LEP Advisory Committee.

The Communication Access Specialist position was created in 2012 to address the Judicial Branch's language access priorities. The Communication Access Specialist must be familiar with laws, regulations, court rules, and policies related to language access, and have an active understanding of current best practices for interacting with LEP individuals. The position is currently filled by an employee with a Juris Doctor degree who annually attends the National





Center for State Courts (NCSC) Conference of the Council of Language Access Coordinators (CLAC) for professional development through educational and networking events.⁴¹

The Communication Access Specialist is primarily responsible for managing the court interpreter program for LEP individuals, which includes:

- responding to requests from court clerks, judicial officers, and other court staff for assistance in securing interpreters or other communication services, including Communication Access Real-Time Translation (CART) Services;
- locating qualified interpreters for rarely requested languages, including from out of state;
- providing staff education on scheduling and working with interpreters;
- recruiting and training qualified court interpreters;
- translating Judicial Branch information, particularly court forms, publications, and videos; and
- establishing contracts and relationships with outside agencies and organizations for the provision of in-person, telephonic, and video remote interpreting services.

The Communication Access Specialist also:

- manages the courtroom assistive listening system;
- works with the Judicial Branch Office of Transcript Operations (OTO) on matters related to the recording of court proceedings involving spoken language interpreters; and
- develops training and resource tools for interpreters, lawyers, litigants, judicial officers, court clerks, and other Judicial Branch staff.

The Communication Access Specialist is the primary Judicial Branch contact for all who either seek language access or provide language assistance and is a key resource for judicial officers and court staff who are at the front lines of working to ensure access to justice for LEP individuals.

The Local Trial Courts

The local trial courts are responsible for identifying LEP individuals in court proceedings and court clerks are responsible for scheduling interpreters for court events. Court clerks also collect information for payment and contact the Communication Access Specialist when language access services assistance is needed.

⁴¹ “The mission of the Council of Language Access Coordinators (CLAC) is to inspire and enable its members to promote equal access to justice in courts and tribunals by eliminating language barriers for persons with limited English proficiency.” Find more information about CLAC at: www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/About-us.aspx.





In 2006, the Judicial Branch began to designate LEP Coordinators in the clerks' offices of local trial courts that regularly required interpreter services. An LEP Coordinator is a court clerk trained to: be familiar with Judicial Branch LEP policies and procedures; know techniques for identifying language access needs; be a resource to others in the court; schedule interpreters for court users; and act as the liaison to the Communication Access Specialist. The Communication Access Specialist will work to develop a set of expectations for and establish an LEP Coordinator in each Maine state court location where interpreter services are required at least once a week.

The LEP Advisory Committee

The purpose of the LEP Advisory Committee is to “advise Judicial Branch leadership in developing and maintaining a comprehensive system for providing and improving access to Maine courts for individuals with limited English proficiency or hearing loss.”⁴²

The LEP Advisory Committee accomplishes its role by:

- assessing and evaluating language access to the Maine state courts;
- assist in the prioritization of needed improvements and making recommendations regarding LEP policies and practice, including in this Language Access Plan;
- identifying additional resources to improve language access to the Maine state courts;
- developing new language access initiatives and pilot projects;
- providing strategic support for requests that require legislative approval; and
- making language access recommendations to the leadership of the Judicial Branch.

4.2 Interpreter Services and Skills Development

[Administrative Order JB-06-03](#) is explicit: LEP individuals must be provided with communication access to the courts and must be provided with interpreter services in all court proceedings, at no cost to them. Similarly, the Judicial Branch's [Policy on Access for People with Disabilities](#) provides for communication access to deaf, hard-of-hearing, and late-deafened individuals, at no cost, in all court programs, activities, services, and facilities.

The Judicial Branch has a rigorous system in place to qualify individuals who wish to provide language access services in the Maine courts. All interpreters must abide by the Judicial Branch [Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings](#), which sets out the code of professional ethics and conduct for interpreters in the Maine courts.⁴³

⁴² See Appendix A, LEP Advisory Committee Charter.

⁴³ These Standards were recently revised in 2015 and currently translated into eight (8) languages in addition to English: [Arabic](#), [Chinese](#), [French](#), [Khmer](#), [Russian](#), [Somali](#), [Spanish](#), and [Vietnamese](#).





The policies and procedures for communication access in the Maine courts—including the assignment of interpreters, qualifications and requirements for court interpreters, and other mechanisms for providing language access services—are established by the Judicial Branch and listed in the *Judicial Branch Interpreter Manual (Rev. 2017)*.⁴⁴

Qualified Interpreters

The Communication Access Specialist maintains a roster of spoken language interpreters, independent contractors qualified to work in Maine state courts (rostered court interpreters). To qualify for inclusion on the court interpreter roster, spoken language interpreters must meet certain requirements and are categorized into three (3) tiers according to skill level, examination performance, training and education, and experience:⁴⁵

Tier I:

- Pass Judicial Branch Background Check;
- File an approved *Application for Maine Court Interpreter Work*;
- Score at least 70% on the *National Center for State Courts Written Examination*;
- Obtain a minimum of "Advanced-Low" rating on *ACTFL Oral Proficiency Interview* in the target language; and
- Complete the Maine Court Interpreters Orientation Program (two (2)-days).

Tier II:

- Successful Completion of Tier I requirements;
- Must have at least two (2) years of post-secondary education;
- Score at least 80% on the *National Center for State Courts Written Examination*;
- Must complete the Advanced Legal Interpreter Training Program (four (4)-days); and
- Must demonstrate at least 50 hours of documented legal interpreting experience.

Tier III:

- Successful completion of Tier II requirements AND
- Obtain *Federal Court certification* OR
- Pass all three (3) sections of the *National Center for State Courts Oral Examination*: Sight translation; simultaneous interpretation; and consecutive interpretation.

⁴⁴ Found at: www.courts.maine.gov/maine_courts/admin/interpreters/index.html.

⁴⁵ Judicial Branch Court Interpreter Requirement information is found at:
www.courts.maine.gov/maine_courts/admin/interpreters/requirements.html.





Interpreter Compensation

Compensation for Maine’s rostered court interpreters is determined by the AOC, and the rate corresponds to the applicable tier. The *Judicial Branch Interpreter Manual*, provided to interpreter agencies used by the Judicial Branch and to all court interpreters who contract directly with the Judicial Branch, specifies additional information on interpreting payment policies. The main provisions include:

- Spoken language interpreters on the court roster are compensated pursuant to the following tier rates:
 - **Tier I** – \$35 per interpreting hour.
 - **Tier II** – \$45 per interpreting hour.
 - **Tier III** – \$50 per interpreting hour.
- Spoken language interpreters assigned through a private agency, or not on the court roster, are paid according to the contract between the Judicial Branch and the private agency or non-rostered interpreter.
- Sign language interpreters assigned through a private agency are compensated according to the agency’s rates.

In addition, all interpreters are paid for travel time and are reimbursed for mileage expenses pursuant to current Judicial Branch policy.

Orientation, Coaching, and Skills Development of Court Rostered Interpreters

While court rostered interpreters are not formally required to complete continuing education requirements in order to stay on the court roster, they must comply with the *Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings*, which, under Standard 10, addresses professional development and requires interpreters to “continually improve their skills and knowledge and advance the profession through activities such as professional training and education...”

In order to advance to a higher tier, court rostered interpreters must augment their skills in a number of ways. As part of managing the court interpreter program, the Communication Access Specialist periodically offers court rostered interpreters opportunities to improve their legal interpretation skills.





Priorities for Appointing Qualified Interpreters

The Judicial Branch is aware of its responsibility to provide interpreters in all court proceedings where there is a need. The procedures for assigning interpreters are available to court staff in an internal document on the Judicial Branch's intranet—maintained and updated by the Communication Access Specialist—and any questions about assigning interpreters should be directed to the Communication Access Specialist at interpreters@courts.maine.gov.

Communicating with LEP Individuals in Order to Request and Assign Interpreters

- If an individual appears to have difficulty communicating, court staff should offer the language identification ("I Speak") cards—featuring 100 languages, including ASL—to the court user for the court user to identify his or her preferred language.
- For interactions with LEP individuals who require spoken language assistance, court clerks should use designated interpreter telephones, available on site in all clerks' offices, to communicate with the LEP individual in his or her identified language using Language Line.
- For deaf or hard-of-hearing individuals, court staff should attempt to communicate with the deaf or hard-of-hearing court user by writing notes to request which type of sign language the court user prefers, if necessary, and to notify the court user that an interpreter will be provided. In clerks' offices where available, video remote interpretation for ASL users is preferred and should be used instead.
- Telephone contact with any LEP member of the public is to be handled by use of Language Line for spoken languages or TTY: Maine Relay 711 for deaf or hard-of-hearing individuals.
- Court clerks should avoid using minors or family members of a LEP or deaf or hard-of-hearing person as interpreters for clerk interactions if possible and, importantly, **may not** schedule minors or family members as interpreters for court appointments.

Assigning Spoken Language Interpreters

When assigning a spoken language interpreter, court clerks must:

- First, contact the highest tiered interpreter from the court roster.
- If no court rostered interpreter is available, clerks may contact a listed and approved interpreting agency to request an experienced court interpreter in the target language.
- If no interpreter is available through an agency, clerks should contact the Communication Access Specialist as soon as possible.





Assigning American Sign Language (ASL), Oral Interpreters and Cued Speech Transliterators

When assigning interpreters for individuals requesting a sign language interpreter, court clerks must:

- Contact an interpreter agency and request a legally qualified interpreter. A list of agencies and contact information is provided on the Judicial Branch's intranet.
- If no interpreter is available through an agency, clerks should contact the Communication Access Specialist as soon as possible. The Communication Access Specialist may contract with a sign language interpreter qualified in another state or discuss continuing the matter with the Court until a qualified court interpreter is available.

Recommended Practices for Assigning Teams of Interpreters

Team interpretation, in which multiple interpreters are assigned specific roles during a single court proceeding, is becoming the standard in court interpretation. Guidance given to court staff and judicial officers provides that the court should appoint more than one (1) interpreter in the following court proceedings:

- Expected to last two (2) or more hours—appoint two (2) or more interpreters to help prevent interpreter fatigue and avoid a decrease in the quality of interpretation.
- Involving an LEP or deaf or hard-of-hearing party where the party is represented by an attorney and expected to testify at a hearing—appoint an additional, proceedings interpreter⁴⁶ to ensure that the first interpreter remains available at the attorney table to interpret confidential attorney-client communications.
- Involving an LEP or deaf or hard-of-hearing party and witnesses—appoint separate proceedings interpreters to interpret for the party and for the witnesses when testifying to ensure that the table interpreter for the party can interpret attorney-client communications.
- In which both parties are LEP—appoint a minimum of two (2) table interpreters (one (1) for each represented party), and one (1) or more proceedings interpreters, depending upon the length of the assignment.
- Jury trials—the court must contact the Communication Access Specialist as soon as possible for guidance on interpreter assignment.
- For a Deaf Person Called to Jury Duty—the court must provide a qualified sign language interpreter.

⁴⁶ The proceedings interpreter is responsible for interpreting the court proceedings for the record. The table interpreter is responsible for interpreting confidential attorney-client communications.





Interpreters for Court Observers

The Judicial Branch recognizes its requirement under the ADA to schedule and pay for an ASL or other sign language interpreter for deaf or hard-of-hearing court observers (persons without a legal interest or formal involvement in a case).

The Judicial Branch also recognizes that it is not required to provide spoken language interpreters for hearing, LEP court observers, but may do so as a matter of courtesy. Such requests will be directed to and decided by the Communication Access Specialist on a case-by-case basis.

Interpreters for Court Programs and Services

The Judicial Branch assigns interpreters as needed for mediation in the courts. Typically, courts are able to arrange an in-person interpreter for mediation because mediation is a scheduled court event. If an interpreter is needed but had not been scheduled, the mediator is advised to notify the clerks' office of the need for an interpreter and reschedule the mediation for a later date when an interpreter is available. The mediator may use Language Line for brief, non-substantive communications with the LEP individual, such as to explain the need to re-schedule the mediation until an in-person interpreter is available.

For certain court-operated programs, such as Drug Court Coordinator Services, courts may have difficulty scheduling an in-person interpreter. Therefore, where possible and appropriate, courts may use Language Line to provide interpreting services during these programs or services.

Interpreters for Non-Court Proceedings

The Judicial Branch is not responsible for the assignment or payment of interpreters who provide services outside the court. For example, court orders may require LEP parties or parents of minors in juvenile or family matters to participate in services such as co-parenting education classes; Driver Education Evaluation Programs (DEEP); Batterer Intervention Programs (BIPs); and mental health examinations. Where available, LEP individuals should be offered referrals to agencies that offer interpretation and translation services in the target language(s). Counseling agencies and community service providers are generally able to provide language access services.

When an LEP individual has court-appointed counsel, that attorney may request authorization from the [Maine Commission on Indigent Legal Services](#) (MCILS) for it to assume expenses for interpreter and/or translator services needed for legal communications outside of a court proceeding, including for client conferences, court-authorized evaluations, and depositions.⁴⁷

⁴⁷ Interpreter and/or translator services paid for by MCILS must be secured by the attorney and will not be provided by the Judicial Branch. Find more information about MCILS at: www.maine.gov/mcils/





4.3 Communication Technologies

Assistive Listening Systems

All Maine state courtrooms have been equipped with assistive listening systems, and in 2018 the Communication Access Specialist, in concert with OTO, inventoried and assessed the assistive listening systems and devices in every courtroom, and replaced and renewed them as needed so that every courtroom will be equipped with a state-of-the-art infrared (IR) Williams Assistive Listening device system in early 2019.

This uniformity of assistive listening systems simplifies use for court staff, provides hard-of-hearing court users with consistently clear audio access to court proceedings, and allows for more efficient resource allocation, meaning headsets and receivers can now be used in any courtroom.

Hard-of-hearing court users do not need to specially request assistive listening devices in advance and may simply request assistive listening devices from court clerks or judicial marshals upon arrival in court. Any issue with an assistive listening system or device not working properly should be reported to the clerks' office and the clerks' office shall inform the Communication Access Specialist.

Every courthouse in Maine has signage to notify the public that the courts are equipped with assistive listening systems and to ask a clerk for assistance.



Figure 6: Judicial Branch Assistive Listening System Sign



Wireless Interpreter Equipment

A recent improvement to the court interpreter program is the implementation of wireless interpreting equipment for simultaneous interpretation of lengthy court proceedings by court interpreters. Wireless interpreting equipment allows spoken language interpretation to be conducted more discreetly during court proceedings because the interpreter may quietly interpret—from anywhere within the courtroom—into a microphone while the interpretation is heard by the LEP court user through headphones attached to a wireless receiver. The Communication Access Specialist has worked in concert with the Office of Transcript Operations (OTO) to set up the wireless interpretation equipment so that all interpretation is recorded—and on a separate track than the English—in compliance with JB-12-1.

Personal Amplification Devices

New in 2018, all Maine courthouses are equipped with personal amplifier units (PockeTalkers™) for use by hard-of-hearing individuals in areas of the courthouses where the integrated assistive listening systems do not reach, such as in hallways, mediation rooms, and chambers. PockeTalkers are also useful for hard-of-hearing attorneys or judicial officers during private sidebar conversations, when the courtroom assistive listening systems are temporarily disengaged, and for hard-of-hearing jurors during jury deliberation. The obvious advantage of PockeTalkers is that attorneys, court staff, and other individuals do not have to raise their voices to speak with a hard-of-hearing individual and so conversations occurring outside of any courtroom—and beyond the reach of the integrated assistive listening systems—can retain some amount of privacy. Signage has been posted in all courthouses to notify the public of the availability of this new resource.



Figure 7: Judicial Branch Personal Amplification Device Sign





Communication Access Real-time Translation

The use of Communication Access Real-time Translation (CART) Services is available for deaf and hard-of-hearing individuals. CART services provide the instant translation of the spoken word into English text by a CART services provider using a stenotype machine, computer, and real-time software. During court proceedings, the text typed by the CART services provider is displayed on a screen so that the hard-of-hearing court user may read what is being communicated in court. This speech-to-text service is provided by the Judicial Branch on location during court proceedings. Because of the limited number of CART services providers in Maine, court proceedings requiring CART services may need to be continued to a later date until a CART services provider is next available; however, CART services can be provided remotely and the Office of Court Access is exploring this technology for the Maine state courts in order to provide CART services more efficiently.

4.4 Remote Interpreting

The use of telephonic and video remote interpreting technologies is an important element of any language access plan. While in-person interpretation is always preferable, courts throughout the State may be unable to secure an in-person interpreter to assist an LEP or deaf or hard-of-hearing court user in a timely manner and may need to resort to remote interpreting.

Remote technologies can assist in prioritizing existing resources by focusing on obtaining in-person interpreters when they are most critical—for court hearings and trials. In addition, using remote interpreting for other court encounters—such as in clerks’ offices or during short, non-evidentiary matters when attempting to schedule an in-person interpreter may be impossible or would cause significant delay—can help an LEP person gain greater access to justice. Finally, remote interpreting may reduce the number of interpreters paid to travel from out of state to Maine for court proceedings and result in substantial cost savings to the State of Maine.

Telephonic Interpreting

Judicial Branch policies and procedures provide for the use of telephonic interpreting, specifically through Language Line. Every courthouse in Maine has a telephone in its clerks’ office dedicated for telephonic interpreting for the public, and the Communication Access Specialist has instructed clerks in every office on best practices for communicating with LEP court users through Language Line. Telephonic interpretation is best suited for providing language access at points of contact other than in the courtroom, such as in clerks’ offices, where the encounter is relatively brief and the scope of the communication is limited. Telephonic interpreting may also be adequate for brief court proceedings and useful in emergency situations and each courtroom can access Language Line if necessary. Notably, the Communication Access Specialist recently determined Language Line has a dedicated telephone number for “rare” languages—of which Somali is one—so that clerks can now schedule Somali interpreters through Language Line for





brief court proceedings as needed. There are, however, potential shortcomings to the use of telephones for providing meaningful access during lengthy or complex court proceedings and such events should be kept to a minimum.

Video Remote Interpreting

The Judicial Branch is committed to investing in video remote interpretation (VRI). In 2016-2017, the Judicial Branch requested that the NCSC conduct a VRI technology assessment of the Maine state courts and, in early 2018, the LEP Advisory Committee voted to convene a subcommittee devoted to the development of VRI. This VRI subcommittee presented proposals for two (2) VRI pilot projects at the July 2018 LEP Advisory Committee meeting.

The goal of the first proposal is to improve language access services for ASL users at clerk windows through the use of VRI. The goal of the second proposal is to improve spoken language access services and make efficient use of court resources by utilizing VRI in designated, limited court proceedings. The Chiefs of the Maine Courts approved both proposals and these projects are well on their way to being launched.

(1) ASL VRI in Clerks' Offices

Communication with ASL users in clerks' offices has been limited to the exchange of written notes. However, in many instances, the deaf person seeking assistance from the court has a limited ability to read or write English. VRI will improve access to justice by providing more effective access to information for ASL users that is routinely provided to other court users.

The courts will use existing Polycom software to connect to ASL interpreters at the Pine Tree Society in Scarborough, Maine. Pine Tree has an on-site staff of seven (7) ASL interpreters, which should guarantee a connection to the court within minutes. An informational video in ASL will be embedded in the court's laptop and shown to the court user while he or she waits for the interpretation session to begin. This video explains services provided by the Maine state courts as well as how the VRI session will take place.

Because the population served by this VRI project is relatively small, the project launched in Portland on November 1, 2018 and will be expanded to courts in Bangor, Lewiston, and Augusta in 2019. The Portland court clerks have been trained on initiating and managing a VRI session for ASL users and informational signs have been posted for the public's notice of this service.





Figure 8: Judicial Branch VRI for ASL Sign

(2) Spoken Language VRI in Court Proceedings

VRI offers an exciting opportunity to improve language access for LEP individuals and offers effective court interpretation at lower costs. VRI provides the LEP individual with improved language access as compared to telephonic interpretation and has the added benefit of cost savings by reducing travel costs as compared to in-person interpretation. The long-term goal of this project is to access interpreters remotely from outside Maine who otherwise would need to travel to Maine to provide these services.

This project is expected to start in 2019 and is limited to self-represented litigants appearing in Family Matter Case Management Conferences, Uncontested Divorces, and Status Conferences scheduled to last fewer than 30 minutes. The Lewiston District Court is the pilot project site, largely because of the frequency of need for interpretation.

VRI interpreter services will initially be available in four languages: Arabic, French, Somali, and Spanish. Interpretation will be provided by well-qualified rostered court interpreters from the Portland area and these interpreters will provide VRI services to the Lewiston courthouse from the Portland AOC using existing Polycom software.

4.5 Translation

In addition to access to spoken language and sign language interpreters as described throughout this Plan, [Administrative Order JB-06-03](#) addresses access to translation services for LEP individuals in the Maine state courts. Translation efforts include the translation of Judicial Branch materials, including court forms, informational content, web and video resources and signs and





notices for the public in addition to translation of case-specific documents as needed, such as declarations, witness statements, and other evidence in a case.

Translation of Judicial Branch Materials

In 2013, the LEP Advisory Committee formed a Vital Documents Subcommittee to identify and prioritize the translation of Judicial Branch vital documents. This Subcommittee prioritized case types for translation based on their potential effect on litigants and their families, utilizing DOJ guidance.⁴⁸

Issue / Effect	Relevant Case Types
Safety	Protection from Abuse and Harassment
Loss of Children	Protective Custody, Family, and Juvenile Matters
Loss of Liberty	Criminal, Mental Health, and Juvenile Matters
Loss of Immigration Status	Criminal, Protection from Abuse, Civil, and Juvenile Matters
Loss of Home, Money, or Property	Forcible Entry & Detainer, Foreclosure, Personal Property Recovery, and Small Claims
License Suspension	Violations Bureau and Criminal Matters
Other	Civil Violations and Civil Matters

Figure 9: Determination of Effect per Case Type, Used to Prioritize Vital Documents.

Within each of these case types, the Subcommittee identified vital documents for translation and created a list of priority documents for 2013–14. The Subcommittee also recommended topics for development of informational sheets to be created by the Judicial Branch. Translation projects began in 2013–14 and are ongoing as grant funding is available. The Communication Access Specialist submits proposals for translation of vital documents at every opportunity and will continue to do so during the period covered by this Plan.

When determining the languages for translation, the Vital Documents Subcommittee analyzed available language data in matters involving one or more LEP parties for fiscal year 2012, specifically to determine priorities within the Protection from Abuse and Family Matter case types. The Subcommittee completed its initial work by recommending the following languages for prioritization: Arabic, French, Somali, and Spanish. In subsequent years, the Subcommittee expanded the authorized language list to include Chinese (Mandarin/Cantonese), Khmer (Cambodian), Russian, and Vietnamese. As forms are updated in English, they are targeted for updated translation.

⁴⁸ Under DOJ guidance, written materials that are considered vital should be translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity. See 67 Fed. Reg. 41455, 41463 (June 18, 2002).





The Judicial Branch has translated many court forms into these eight (8) most frequently requested languages—Arabic, Chinese (Mandarin/Cantonese), French, Khmer (Cambodian), Russian, Somali, Spanish, and Vietnamese (in alphabetical order)—for reference. All translated documents are published, along with their original English versions,⁴⁹ on the [Judicial Branch Court Forms](#) webpage⁵⁰ and on the [Judicial Branch Translated Court Forms and Documents](#) webpage.⁵¹

Court clerks are instructed to print out and provide the appropriate translated forms to LEP individuals as needed. Many of these translated forms and documents are related to Protection from Abuse, Child Protection, Criminal, and Family case types, but also include other vital documents, such as the Judicial Branch’s Policy on Access for People with Disabilities, the Disability Accommodation Grievance Procedure, and others.

The Judicial Branch is committed to translating vital court forms and critical public notices into the eight (8) most frequently requested languages in the Maine state courts and into more languages as the need is identified. All translation vendors must be qualified, such as through certification by the American Translators Association in the language(s) in which they work, with a court or legal specialization. For languages that are less common, or for which there is a smaller market of professionals, the Communication Access Specialist considers qualified translators who demonstrate competence through experience, education, and references.

The Communication Access Specialist manages approved Judicial Branch translation projects, proposes new documents for prioritization on the vital documents list, and submits translated forms and documents to the webmaster for posting. As recently as September 2018, updated JB-06-03, the script of the new [Arraignment Video](#),⁵² and five (5) Juvenile (JV) forms were translated in those eight (8) languages. The Office of Court Access has also coordinated the translation of the new Arraignment Video into ASL on video and distributed it to all local Maine state courts and posted it online.



Figure 10: Screenshot of Judicial Branch Arraignment Video with ASL (2018)

⁴⁹ English is the official language of the Maine state courts.

⁵⁰ Found at: www.courts.maine.gov/fees_forms/forms/index.shtml.

⁵¹ Found at: www.courts.maine.gov/fees_forms/forms/trans_docs/index.html.

⁵² Found at: www.courts.maine.gov/citizen_help/criminal.html.





In addition, using Court Improvement Program grant funds the new *Guide for Families in Child Protection Cases* (January 2018)⁵³ will be translated into the eight (8) languages and the Judicial Branch has recently been approved to use STOP Violence Against Women grant funds to translate the new *Guide to Protection from Abuse and Protection from Harassment* (June 2018)⁵⁴ into those eight (8) languages.

Translation of Case-Specific Documents

Translation of case-specific documents is determined by the presiding judge or justice on a case-by-case basis. When contacted by the court and so ordered, the Communication Access Specialist contracts with qualified translation vendors so that the required translations are provided in a timely manner.

4.6 Public Notification

Because many LEP and deaf or hard-of-hearing court users never see the inside of a courtroom, a comprehensive language access plan must provide them with meaningful access to services at all the points of contact with the court, including outside of the courtroom, and, importantly, must adequately notify them of the availability of those services.

Equal justice under law ... is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists [and] it is fundamental that justice should be the same, in substance and availability, without regard to economic status.

—Lewis Powell, Jr., U.S. Supreme Court Justice

Public notice that all LEP individuals have the right to an interpreter at no cost, that assistive listening systems are available, and that personal amplification devices are available is prominently posted in every courthouse lobby—and on courthouse video monitors where they exist. See Figures 5, 6 and 7. The local trial courts shall review posted signage every administrative week and make sure it is up to date and readable. To assist the court clerks with this, prior to an administrative week the Communication Access Specialist will provide to each court location a list of current language assistance signs that must be displayed.

⁵³ Found at: www.courts.maine.gov/maine_courts/family/child-protect-main.html.

⁵⁴ Found at: www.courts.maine.gov/maine_courts/district/protection_orders.html





The Judicial Branch also posts notice online, on its public website. It has a dedicated “Accessibility and Interpreters” webpage from which anyone may download and print an Interpreter Request Form for a spoken language interpreter, an ASL interpreter, or other communication accommodations for deaf and hard-of-hearing court users.⁵⁵ There is a another webpage for “Court Interpreters” from which anyone may download and print an application to become a rostered court interpreter and find more information about interpreter requirements and testing.⁵⁶ The Judicial Branch also posts all of its translated court forms online for LEP court users to access for reference at anytime from anywhere they have internet access.⁵⁷

The Office of Court Access also notifies attorneys of the availability of court accommodations and interpreter services for their clients and witnesses. The Court Access Coordinator or Communication Access Specialist will periodically contact various State and County Bar Associations, Board of Overseers of the Bar, and the Cleaves Law Library and request that those organizations publish notices of these accommodations and services on their public websites or through their email lists specifically to inform attorneys about available services and how to obtain them.



⁵⁵ Found at: www.courts.maine.gov/citizen_help/access_interp.html.

⁵⁶ Found at: www.courts.maine.gov/maine_courts/admin/interpreters/index.html.

⁵⁷ Found at: www.courts.maine.gov/fees_forms/forms/trans_docs/index.html.



5. Initiatives

To continue to improve access to justice for LEP individuals in Maine, the Office of Court Access and LEP Advisory Committee have identified several initiatives for which they will pursue needed Judicial Branch support, funding, and resources to develop.

5.1 LEP Tracking Within the New Case Management System

The existing Judicial Branch case management system, MEJIS, cannot track interpreter need or use. Therefore, all interpreter scheduling is done manually and language assistance needs are flagged on court files via a separate notation. Data on interpreter use is currently gathered through the Finance Office, based solely on costs and expenditures for interpreter and translation services, which is not ideal.

The Judicial Branch is in the process of developing a new statewide case management system, Odyssey, which should be fully implemented in the next five (5) years and has the potential to more reliably collect language services data. While at this point it is not clear what functionality will be included in the new case management system, in order to gain greater information about interpreter usage and capture better cost information, it is imperative that interpreter usage by event, case type, and other parameters be tracked. Doing so will allow the Judicial Branch to identify the language access needs of court users throughout all Maine courts more accurately and ultimately respond more efficiently to those needs, including improved budgeting for interpreter and translation services.

To this end, the Office of Court Access has advocated within the Judicial Branch to ensure that the new statewide case management system tracks interpreter needs through two (2) methods in particular, by case and by party.

- (1) By tracking language assistance need by case, court staff will be able to secure a qualified interpreter for an LEP or deaf or hard-of-hearing person for all relevant court proceedings.
- (2) By flagging language assistance need on the record of the party needing the language services, new or different case filings involving that same party will contain an alert to all court staff that an interpreter will be required, thus reducing the risk that a returning party's language assistance needs may go unmet in future proceedings.

According to the Judicial Branch's Chief Information Officer, during 2019, the Judicial Branch's Office of Information Technology (OIT) will work with Tyler Technologies (Tyler), the designer of Odyssey, to address the Judicial Branch's requirements for managing, monitoring, and improving services, including scheduling and payment, related to interpreters—as well as other independent contractors providing court services, specifically mediators and guardians ad litem.





Once Tyler understands and considers these provider management requirements, the company will deliver a proposal for developing and implementing possible provider management features in Odyssey, to be considered for approval by the Judicial Branch’s Project Oversight Group.

5.2 Court Form Translations

With the launch of the new case management system, existing court forms will be revised or altogether replaced, necessitating new translations that are consistent with the new forms. The Judicial Branch contracts for translations on a per word basis, and bulk translations of new court forms, into the eight (8) selected languages at minimum, will require a significant funding commitment. With the LEP Advisory Committee’s endorsement, the Office of Court Access will coordinate with legal aid organizations to secure grant funding to translate court forms and will otherwise seek support from within the Judicial Branch to fund these translations so that LEP court users have language access to the new forms generated by the new case management system. The Office of Court Access has budgeted \$35,000 per year for Fiscal Year 2020 and Fiscal Year 2021 to translate forms resulting from the new case management system.

5.3 Language Access Information on Video Displays

Beginning in 2017, the Office of Court Access utilized the few existing courthouse video monitors to publicly display court access and language access information and, in 2019, with the LEP Advisory Committee’s endorsement, will seek Judicial Branch support and funding to purchase and install more video monitors in more courthouses in Maine. The Office of Court Access will work collaboratively with OIT to identify funding for this initiative. It is anticipated that this need can be met incrementally over a three (3) year period with an annual budget of \$10,000. Video monitors in courthouse lobbies are highly visible and dynamic—drawing the eye in a way that laminated signs posted on courthouse walls do not—and, once installed, are able to display updated court access and language access information efficiently and cost effectively.

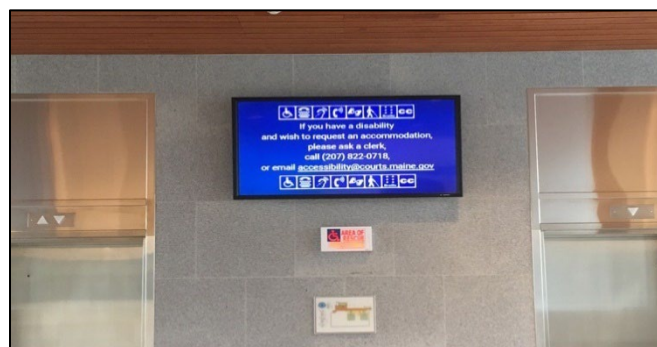


Figure 11: Photograph of Courthouse Video Display of Court Access Information





5.4 Arraignment Video Translation Project

In 2018, the script of the new Judicial Branch arraignment video was translated into the eight (8) selected languages and will be posted on the Judicial Branch website for LEP court users to access and read prior to appearing in court. In 2019, with the LEP Advisory Committee's endorsement, the Office of Court Access will seek Judicial Branch support and funding to produce the new arraignment video in the eight (8) languages—dubbing over the original video—and obtain tablets and headphones on which to play the translated arraignment videos, so that LEP court users can access the arraignment video in their preferred language while in court for their arraignment. The total cost of this project is \$40,000. \$15,000 is required for hardware costs and \$25,000 will be required to produce the videos in the eight (8) selected languages.



Figure 12: Screenshot of Court Rostered Interpreter in Arraignment Video

5.5 Video Remote Interpretation Expansion

As VRI for ASL in clerks' offices proves to be a significant language access improvement for deaf individuals—as it has at the Maine Department of Health and Human Services (DHHS) and Maine Department of Labor (DOL)—the Office of Court Access, with the LEP Advisory Committee's endorsement, will seek Judicial Branch support and funding to expand VRI for ASL to all court locations. The cost of establishing VRI for ASL in the four (4) initial locations—Portland, Bangor, Lewiston, and Augusta—including hardware, is not expected to exceed \$5,000. Therefore, the Office of Court Access anticipates the cost of expanding VRI for ASL fully to all court locations will not exceed \$45,000.





Similarly, with the LEP Advisory Committee's endorsement, the Office of Court Access will seek Judicial Branch support and funding to develop and expand VRI for spoken languages in courtrooms for court proceedings. Ultimately, successful installation of VRI for court proceedings will conserve judicial resources and improve access to justice.

5.6 Video Recording of Court Proceedings Involving ASL

Audio-recording court proceedings in which a spoken language interpreter is utilized is vital to due process, so that if the quality of that interpretation is called into question, there is a recording that may be reviewed. Recognizing the importance of this due process protection, [JB-12-01](#) was promulgated, requiring that all proceedings in which a spoken language interpreter is used must be recorded.

While JB-12-01 protects the integrity of proceedings in which spoken language interpreters are used, currently there is no similar protection for deaf parties who rely on ASL interpreters in their proceedings. In order to establish and preserve a record of ASL interpretation, should it be called into question and require review, the proceeding must be video-recorded.

The Office of Court Access, with the LEP Advisory Committee's endorsement, will seek Judicial Branch support and funding to develop and implement a pilot to video-record proceedings involving ASL interpretation. The cost of implementing a video-recording system that syncs with the courts' FTR digital recording system is estimated to be \$15,000 per courtroom.

The Office of Court Access proposes piloting video-recording of proceedings initially in one courtroom in the Portland, Augusta and Bangor courts each, for a total estimated cost of \$45,000. Beyond keeping a record of ASL interpretation for quality assurance, another advantage to developing a video-recording system for court proceedings is that aspects of communication other than word-choice, including, but not limited to, body language, tone, volume, and any hesitation, are also recorded and preserved.

5.7 Wireless Interpretation Equipment Expansion

Wireless interpretation equipment allows for simultaneous interpretation of lengthy court proceedings by court interpreters so that their interpretations are non-obtrusive to court proceedings while being clearly recorded on a separate audio track for review as necessary. Wireless interpreting equipment allows spoken language interpretation to be conducted more discreetly during court proceedings because the interpreter may interpret from anywhere in the courtroom into a microphone while the interpretation is heard by the LEP court user through headphones attached to a wireless receiver.





There are many advantages to wireless interpreting equipment, including but not limited to:

- fewer interpreters may need to be scheduled and opposing parties may keep their distance from one another because one interpreter can transmit to multiple receivers and therefore interpret for multiple LEP court users without requiring them to be in close proximity;
- clearer reception of the interpretation because the headphones allow the LEP court user to hear the interpretation with fewer noise interferences and manage the volume of the interpretation using a dial on their receiver, which is especially useful for hard-of-hearing individuals;
- better comprehension of the original message because the LEP court user is free to look directly at the person speaking; and
- higher quality electronic recording of the interpretation because the wireless interpreting equipment connects directly to the For the Record (FTR) digital court recording system to record the interpretation on a separate track than the English.

The Office of Court Access, with the LEP Advisory Committee's endorsement, will seek Judicial Branch support and funding to purchase additional wireless interpreting equipment for expanded use in Maine's state courts. The cost of purchasing additional equipment and interpreter training is estimated to be \$7,500.

5.8 Remote CART Services

CART services provide the instant translation of the spoken word into English text by a CART services provider using a stenotype machine, computer, and real-time software. Because of the limited number of CART services providers in Maine, court proceedings requiring CART services often must be continued to a later date until a CART services provider is next available to travel to the courthouse.

The Judicial Branch is billed for service provider travel time and mileage in addition to hourly CART services rates. Remote CART services may provide an opportunity to reduce Judicial Branch CART service provider travel costs and streamline scheduling. Remote CART services are available from multiple vendors across the country and use a robust microphone system connected to a hard-wired laptop to provide captioning to the LEP, deaf, or hard-of-hearing individual in the courtroom via a secure weblink.

The Office of Court Access, with the LEP Advisory Committee's endorsement, will seek Judicial Branch support and funding to purchase the equipment required for remote CART services in Maine's state courts. The cost of purchasing the required audio equipment and computer hardware is estimated to be \$3,500.



6. Recruitment

6.1 Challenges

There are several challenges with regard to the recruitment of potential interpreters in Maine. One challenge is that many local immigrant communities are small and close-knit and so individuals may not want to become involved in private matters of known community members. Also, cultural elements such as beliefs about professions appropriate for men and for women—which may result in fewer women pursuing the traditionally male profession of interpreting—affect recruitment efforts.

Further, current compensation rates in the Judicial Branch may lead aspiring interpreters to choose other interpreter assignments, such as medical interpreting, or work provided through interpreter agencies, rather than contracting with the Judicial Branch directly for court assignments. The work offered through interpreter agencies may offer more competitive wages and possibly more consistent work (depending on the language). In addition, the Judicial Branch, particularly for some languages and in some court regions, does not have enough court interpreting work to support a career. Interpreters may need to have a career outside of interpreting, which in turn limits their availability to interpret in courts. Interpreter compensation rates were last adjusted by the Judicial Branch in 2009, and so the Communication Access Specialist will research compensation rates in similarly sized court systems and make recommendations to the LEP Advisory Committee on whether changes to interpreter compensation is needed to attract more qualified interpreters to court interpreting.



In addition to these challenges, the Maine state courts increasingly need language providers for emerging languages across the State. The language services vendors that work with the Judicial Branch are sensitive to this and assist the Maine state courts by actively recruiting interpreters to fulfill these new language demands. The Communication Access Specialist is committed to collaborating with Maine's language services vendors, as well as other LEP community partners, to recruit more interpreters and improve language access to the courts.



6.2 Community Outreach

The Office of Court Access will work with the LEP Advisory Committee and Judicial Branch leadership to formulate an effective strategy to promote awareness of the availability of language access services in the Judicial Branch and the right of LEP individuals to have an interpreter for court proceedings.

Strategies include working in partnership with community-based providers to disseminate information to their clients regarding the Judicial Branch's commitment to meaningful access to justice for LEP and deaf and hard-of-hearing individuals and improve stakeholder understanding of best practices when working with LEP individuals.

In addition, the Communication Access Specialist will continue to reach out to LEP communities and service providers throughout Maine in an effort to recruit new, qualified court interpreters. Outreach and recruitment efforts that will be considered by the Communication Access Specialist include but are not limited to:

- focusing recruitment efforts on contacting adult education programs, university or community college language programs, language instructors, immigrant associations and organizations, and organizations that provide services to LEP and deaf or hard-of-hearing communities;
- creating and distributing informational materials for LEP communities regarding the benefits of becoming a qualified, rostered court interpreter;⁵⁸
- speaking at language access programs to bring attention to the demand for well-qualified court interpreters;
- working with language access community partners to prepare and provide effective examination preparatory programs and materials for court interpreter candidates, including information on court interpreter ethics and legal terminology;
- sharing non-confidential court interpreter recruitment and testing information with cultural organizations, language professional organizations, educational institutions, social services, community partners, and government agencies;
- working with language services providers and partners to provide continuing legal interpretation education and trainings; and
- developing continuing education opportunities for Maine attorneys and court services providers about the right to an interpreter in court proceedings, best practices when working with an LEP individual, and best practices when working with an interpreter.

⁵⁸ Newly designed court interpreter recruitment materials have been published for distribution in 2019.





Stakeholder Engagement

While this Plan pertains to the Judicial Branch, many Maine community organizations and other stakeholders are also dedicated to serving Maine’s LEP populations. Working together with these stakeholders toward improved language access to justice in Maine will benefit these groups as well as contribute to the improvement of public trust and confidence in the Judicial Branch.

In order to engage key stakeholders to promote and improve language access to the Maine state courts, the Communication Access Specialist, the Office of Court Access, and the LEP Advisory Committee will engage in ongoing outreach to community members, new immigrant community organizations, schools, and justice partners to invite feedback and improve community awareness of language access in the Maine state courts.

In addition, the Maine Justice Action Group (JAG)—a judge-led coalition of Maine legal community leaders⁵⁹ that advocates for access to justice and fairness to low-income Maine residents—can help raise awareness in the legislature, legal community, and the public about barriers to justice and the need for language access initiatives.

Equal Justice is the objective of a fully evolved democratic republic as envisioned by the founding principles of this great nation. The Justice Action Group (JAG) is committed to making that objective a reality. The members of the Maine Justice Action Group envision a future where every resident of the State of Maine, regardless of their economic or social circumstances, enjoys equal justice under law.

— Maine Justice Access Group

⁵⁹ JAG includes state and federal judges, legislative leaders, nonprofit civil legal aid providers, and representatives from the University of Maine’s School of Law, the Maine Justice Foundation, the Maine State Bar Association, the Maine Trial Lawyers Association, practicing attorneys, and others committed to access to justice in Maine. More information about JAG is found at: www.justicemaine.org/grants-and-programs/justice-action-group/.





7. Training

Language access training—including but not limited to best practices for working with interpreters and LEP and deaf and hard-of-hearing court users—for judicial officers and other court staff is vital to the implementation and success of this Plan.

7.1 Judicial Officer Training

The Communication Access Specialist provides training and information to judicial officers in every aspect of the Judicial Branch’s Language Access Plan, including how to work with interpreters, interpreter qualifications, the appropriate use of remote technologies, and cultural awareness.

Past training for judicial officers conducted in recent years included a language access training presented in 2014 at the Maine Judicial Branch Judicial College and a Judicial Branch language services update and training presented by the Court Access Coordinator in October 2017 as part of a presentation on all court access issues and efforts.

Ongoing judicial officer training managed by the Communication Access Specialist includes:

- language access training as part of the New Judge Orientation that is required of all judicial officers new to the Judicial Branch;
- informational sessions by community organizations representing immigrant and refugee communities to inform judicial officers of cultural norms and other issues to increase understanding, cultural awareness, and improve access; and
- individualized support by the Communication Access Specialist upon request.

The Office of Court Access has also recently developed and distributed reference and resource materials for judicial officers, including:

- a bench card, titled “Bench Card and Best Practices for Working with Spoken Language Interpreters,” distributed to all judicial officers and courtrooms in 2018;
- a bench card, titled “Bench Card and Best Practices for Working with People with Disabilities Including Deaf and Hard-of-Hearing Individuals,” distributed to all judicial officers and courtrooms in 2018; and
- District and Superior Court bench books that contain information on language access, including *voir dire* for interpreters and questions to direct to an LEP court user, which were updated in 2018 and undergo periodic review and revision.





7.2 Court Staff Training

Training for court staff, particularly court clerks, includes: language access laws and policies; best practices for working with LEP and deaf and hard-of-hearing court users; best practices for scheduling and working with interpreters; the appropriate use of language services technologies such as Language Line and VRI; and furthering cultural awareness.

Currently, training efforts used by the Communication Access Specialist for court staff include in-person trainings, printed guidance and information, and online training modules that can be accessed at any time. Specific training for court staff includes:

- mandatory training all new court employees are required to take upon commencing their employment with the Judicial Branch that includes an LEP unit;
- mandatory online training, required of all court employees every other year, which includes an LEP unit;
- in-person instruction and guidance provided by the Communication Access Specialist during biennial courthouse visits, initiated by the Office of Court Access in 2017; and,
- individualized instruction and guidance provided by the Communication Access Specialist as needed or in response to court staff inquiries and requests.

The Office of Court Access has also recently developed and distributed reference and resource materials specifically for court clerks and judicial marshals, including:

- a court clerk card, titled "Clerk Card and Best Practices for Working with LEP Individuals and Interpreters" on one side and "Clerk Card and Best Practices for Working with People with Disabilities" on the other side, distributed to all clerks in 2018;
- a judicial marshal card, titled "Marshal Card and Best Practices for Working with People with Disabilities and Limited English Proficiency (LEP) and Interpreters," distributed to all marshals in 2018; and
- language identification ("I Speak") cards distributed to all clerks and marshals in 2018.

Other training tools to be considered and developed by the Office of Court Access include but are not limited to:

- specific trainings for court administrators, clerks, and marshals regarding language and communication issues of particular relevance and importance to each; and
- more online training units regarding language services in the Maine state courts and increasing cultural awareness.⁶⁰

⁶⁰ As requested by a majority of local courts in the NCSC 2016 survey.





8. Monitoring

8.1 Responsible Parties

This Plan will primarily be administered and maintained by the Communication Access Specialist, under the guidance of the Office of Court Access and the LEP Advisory Committee. The Communication Access Specialist will monitor the implementation of this Plan, track the need for adjustments and updates, and address necessary expansion.

Local Clerks of Court and LEP Coordinators will be responsible for the day-to-day operations related to language access in their courts in order to provide for the consistent and effective application of this Plan. When appropriate, LEP Coordinators and/or Clerks of Court shall communicate any issues with the implementation of this Plan to the Communication Access Specialist.

Any issues that may arise with respect to implementation of this Plan, should be communicated to the Communication Access Specialist, whether by court administrators, judicial officers, or other court staff. Similarly, the public, attorneys, justice partners, and other outside entities may direct any questions or concerns to the Communication Access Specialist.

The Office of Court Access and the LEP Advisory Committee will review this Plan, at minimum, on an annual basis and issue a revised Plan every two (2) years. Prior to any revised Plan being finalized, the draft changes will be reviewed by the State Court Administrator and Chiefs of the Trial Courts, with final review and approval coming from the Maine SJC.

To monitor the Plan, the Communication Access Specialist and Office of Court Access will:

- collect data on interpreter use, and, once available through the new case management system, language services requests, denial of requests (if any), delays in provision of services, and costs;
- assess language access needs and demographic data to determine if additional services, translated materials, language access tools, or training and education should be provided or if new languages are emerging in the State;
- stay informed on new laws or policies, and exploring needed changes to existing policies or rules affecting any aspect of the provision of language access services;
- ensure court staff and judicial officers are informed and up to date on Judicial Branch communication access policies and procedures, and are effectively implementing them;
- update, as needed, the list of translated forms and the priorities established by the Vital Documents Subcommittee;





- evaluate language access-related complaints regarding the provision (or lack of provision) of language access services, including but not limited to questions about interpreter conduct, quality of translations, and availability of language access information to the public; and will
- post and publish notification of any updated Language Access Plan or related policies and procedures.

8.2 Language Access Services Complaints

Complaints or grievances about the Judicial Branch’s language access for LEP court users or communication access for deaf, hard-of-hearing, or late-deafened individuals—including complaints that the Judicial Branch failed to provide or denied needed language services—should be filed directly with the Communication Access Specialist or at the local state court where the issue or denial of language access occurred, to be forwarded to the Communication Access Specialist. In consultation with the Office of Court Access, the Communication Access Specialist will investigate and issue a finding and corrective action, if necessary.

Grievances regarding accommodations for people with disabilities, including failure to provide an interpreter for deaf, hard-of-hearing, and late-deafened court users and court observers, are addressed under the [Grievance Procedure for Disability Accommodation](#) available on the Judicial Branch website and currently translated into: [Arabic](#), [Chinese](#), [French](#), [Khmer](#), [Russian](#), [Somali](#), [Spanish](#), and [Vietnamese](#).⁶¹ These grievances should also be in writing, and can be filed on the [Grievance Form for Disability Accommodation](#).

Review of complaints regarding a court interpreter, including sign language interpreters, may be initiated by filing a signed, written complaint with the Communication Access Specialist. If a complaint is filed with a local state court, it shall be forwarded promptly to the Communication Access Specialist. All complaints are reviewed by the Communication Access Specialist, in consultation with the Office of Court Access. If the complaint is found to have merit, an investigation will commence and discipline, including removal of the interpreter from the court roster, may result. The disciplinary process is set forth on the Judicial Branch’s webpage, [Complaints Against Interpreters](#), and is currently translated into: [Arabic](#), [Chinese](#), [French](#), [Khmer](#), [Russian](#), [Somali](#), [Spanish](#), and [Vietnamese](#).⁶² The Judicial Branch holds court interpreters to its standards of professional ethics and takes all complaints about interpreter conduct seriously.

*The Judicial Branch is committed to full, meaningful, and fair
access to justice in the Maine state courts.*

⁶¹ Found at: www.courts.maine.gov/maine_courts/admin/ada/grievance.html.

⁶² Found at: www.courts.maine.gov/maine_courts/admin/interpreters/complaints.html.





Appendix A. LEP Advisory Committee Charter

STATE OF MAINE JUDICIAL BRANCH LIMITED ENGLISH PROFICIENCY ADVISORY COMMITTEE

Background

Maine has become increasingly diverse, and the Maine Judicial Branch continues to respond to the needs of a more diverse community. In addition, the Judicial Branch continues to respond to the needs of Maine’s deaf, late-deafened, and hard-of-hearing communities. Assuring language and hearing access to justice requires planning and a consistent commitment to quality services in court proceedings.

Supported and encouraged by the Justice Action Group, the Judicial Branch has implemented policies and Administrative Orders related to language and hearing access. In recent years, the Judicial Branch has improved its capacity to address Limited English Proficiency (LEP) and cultural competency issues in a more direct and structured way, including the creation of an “Access Team” made up of the Director of Court Services, the Court Access Coordinator, and the Communication Access Specialist. This team’s primary goal is to identify and remove barriers that may affect access to justice.

The creation of this Standing Advisory Committee is intended to assist the Administrative Office of the Courts, judicial leadership, trial court judges, and the rest of the Judicial Branch personnel with issues associated with access to the court system by LEP individuals.

I. Purpose:

The purpose of the Limited English Proficiency Advisory Committee is to advise Judicial Branch leadership in developing and maintaining a comprehensive system for providing and improving access to Maine courts for individuals with limited English proficiency or hearing loss.





II. Authority and Responsibilities:

The Advisory Committee may seek input, suggestions, and recommendations from individuals and groups within and outside of the Judicial Branch. The Advisory Committee is authorized to study procedures considered by or in effect in other court systems and any other model procedures. It is authorized to consult with any person or organization as necessary.

The Advisory Committee will:

- A. Review the current state of LEP and interpretation services in the Judicial Branch;
- B. Assist in the prioritization of needed improvements;
- C. Make recommendations regarding LEP policies and resources, including the Language Access Plan for the Judicial Branch;
- D. Identify additional resources, including grant funding sources, to improve access to Maine courts;
- E. Recommend new initiatives and pilot projects as ways to improve services provided by the Judicial Branch;
- F. Provide strategic support for requests that require legislative approval; and
- G. Make recommendations to the State Court Administrator, the Trial Court Chiefs, and the Chief Justice of the Supreme Judicial Court.

III. Membership:

The membership on the Committee shall include the following, and may be augmented or modified from time to time at the request of the Chair with the approval of the Supreme Judicial Court. Members are appointed for three-year terms by the Chief Justice of the Supreme Judicial Court, and may be reappointed for up to three additional terms by the Chief Justice of the Supreme Judicial Court.

Clerk of Court
Judicial Branch Employee with background in communication access
State Judicial Marshal Representative
Justice, Maine Superior Court
Judge, Maine District Court
Immigration Attorney





Community stakeholder representatives engaged in LEP issues, including the deaf community
Communication Access Specialist
Court Access Coordinator
Director, Court Services
Justice, Maine Supreme Judicial Court, Liaison

IV. Meetings:

The LEP Advisory Committee will meet on a schedule established by the Chair, but no less often than three times a year. The Chair may also establish subgroups to study designated issues and report recommendations for consideration by the Committee as a whole. Those subgroups will meet on a schedule established by the Chair. The Committee may use video conferencing to assist with meeting capacity.

V. Reporting:

The LEP Advisory Committee will submit a written report of its progress to the Supreme Judicial Court annually on October 1 or as otherwise requested.

VI. Committee Duration:

The LEP Advisory Committee will be a Standing Committee of the Judicial Branch.

Dated: _____

11/28/18

Approved by:

[Signature]

Chief Justice Leigh I. Saufley
Maine Supreme Judicial Court





Appendix B. Language Access Goals and Tasks

Framework for Providing Language Access

The responsibility for implementing this Language Access Plan, and achieving the goals and tasks contained in the Plan rests with: the Office of Court Access and the Communication Access Specialist, the local trial courts, and the LEP Advisory Committee.

The Office of Court Access

The Office of Court Access includes the Director of Court Services, the Court Access Coordinator, and the Communication Access Specialist who manages the Judicial Branch's language access program. The Office of Court Access concentrates on increasing access to justice for all persons.

Goal:	Task(s):	Page(s) in Plan:
1. Ensure that the new case management system (CMS) can track and report the Judicial Branch's interpreter needs and usage.	A. The Director of Court Services will represent the need to enhance interpreter tracking and reporting in the new CMS to the CMS Project Oversight Group (POG).	Page 40.
	B. The Communication Access Specialist will advocate for the needs of an interpreter module in the CMS.	Page 40.
2. Translate forms affected by the new CMS.	A. Secure funds through the Judicial Branch's budget request process to support translation of forms, based on priority.	Pages 36, 41.
	B. Seek additional grant funds.	Page 53.
3. Improve public awareness of availability of interpreters and other language access services in the Maine state courts.	A. Contact various State and County Bar Associations, Board of Overseers of the Bar, and Cleaves Law Library to publish information on their websites and through their email lists.	Pages 1, 39.
	B. Work with OIT to secure funding for monitors to be placed in every courthouse lobby.	Page 41.
4. Provide LEP individuals with an arraignment video in their primary language which explains their rights and responsibilities.	Secure funds to produce the new arraignment video in eight (8) languages. Also, purchase hardware and headphones to play the video.	Page 42.





Communication Access Specialist

The Communication Access Specialist is the primary Judicial Branch contact for all who either seek language access or provide language services and is a key resource for judicial officers and court clerks who are at the front lines of working to ensure access to justice for people with limited English proficiency.

The Communication Access Specialist is responsible for carrying out responsibilities for language access, managing approved translation projects, providing guidance and training to the local trial courts, and assisting with interpreter scheduling challenges, such as locating qualified interpreters for rarely requested languages, including from out of state.

Within the Language Access Plan there are numerous tasks assigned to the Communication Access Specialist. These tasks, and the goals they roll up to, are listed in this section.

Communication Access Specialist		
Goal:	Task(s):	Page(s) in Plan:
1. Notify stakeholders and the public about the LAP.	Send electronic and hard copies of the Plan to stakeholders and the public. Also, ensure the Plan is posted on the Judicial Branch website.	Pages 1, 51.
2. Maximize relationships with community organizations serving immigrants and refugees.	Obtain information on emerging languages and immigration trends.	Pages 20, 47, 51.
3. Ensure court language assistance signage is current.	Work with the Director of Clerks of Court to provide each court location a list of current language assistance signs that must be displayed and have clerks review posted language and access notices during administrative week to make sure they are current and readable.	Pages 22, 38.
4. Keep rosters current.	Maintain a roster of qualified interpreters available to work in the Maine state courts.	Pages 20, 26.
5. Determine language trends and language access needs in the Maine state courts.	A. Assess financial reports relating to specific expenditures for language services.	Page 19.
	B. Monitor clerk requests for specific language assistance.	Page 20.





Communication Access Specialist		
Goal:	Task(s):	Page(s) in Plan:
6. Implement a system of LEP coordinators in courts where there is a need for such a role.	A. Identify courts where there is a high frequency of spoken language access needs and identify a LEP coordinator.	Page 22.
	B. Develop a set of expectations for the LEP coordinator(s).	Page 25.
7. Visit each clerks' office biennially.	Train clerks on how to schedule interpreters and use Language Line; check and update court access signage.	Page 49.
8. Help interpreters improve their interpreting skills.	Offer periodic training and educational opportunities.	Pages 24, 27, 47, 50.
9. Successfully lead and expand the VRI projects.	Manage ASL and spoken language VRI pilot projects with proper oversight, communications, and leadership.	Pages 34, 35, 42.
10. Manage Judicial Branch translation projects, including forms affected by the new case management system.	A. Request funds through the Judicial Branch's budget request process to support translation of forms, publications, and documents, based on priority.	Page 41.
	B. Submit proposals for grant and other outside funding.	Page 41.
	C. Contract with qualified translation vendors to translate approved court forms and documents in accordance with Judicial Branch policy.	Pages 37, 38.
	D. Propose new forms for translation and submit new or updated translated forms or documents for posting on the website.	Pages 20, 36, 37.
	E. Identify and contract with qualified vendors to produce the new arraignment video in eight (8) languages.	Pages 37, 42.
11. Determine whether interpreter compensation is sufficient to recruit and retain interpreters.	Research compensation rates in similarly sized courts and share data with Office of Court Access.	Page 45.
12. Manage Assistive Listening Systems.	Receive and respond to issues with Assistive Listening Systems.	Page 31.





Communication Access Specialist		
Goal:	Task(s):	Page(s) in Plan:
13. Promote the availability of language access services in the Judicial Branch.	A. Update the language services section in the Judicial Branch website.	Page 39.
	B. Speak publicly to promote the language assistance services in the Judicial Branch.	Pages 46, 47.
14. Ensure judicial officers, clerks, and marshals have latest information on how to work with interpreters and LEP individuals.	A. Annually remind all court staff who regularly have contact with the public of their role in facilitating language services where the need is indicated.	Pages 22, 49.
	B. Develop and disseminate annual policy updates and training information to judges and court staff on best practices working with interpreters and LEP individuals.	Pages 22, 48.
15. Ensure the goals and tasks in the Plan are monitored and implemented.	Report annually to the LEP Committee and Office of Court Access on the progress of the tasks and goals of the Plan.	Page 50.
16. Recruit additional interpreters to meet emergent needs.	A. Monitor language requests from clerks and when a particular language is requested multiple times, initiate a recruitment strategy.	Page 20.
	B. Continue to work with leaders in adult education, community colleges, and new immigrant associations that provide services to LEP individuals.	Page 46.
	C. Create and distribute informational materials on the benefits of becoming a court interpreter.	Page 46.
	D. Collaborate with language services vendors to share recruitment strategies to fulfill unmet language access needs.	Pages 46, 47.
	E. Continue to reach out to LEP communities throughout Maine to identify potential interpreters.	Page 46.
17. Record complaints, questions, and concerns regarding the Plan.	Report annually to the LEP Committee and Office of Court Access on complaints, questions, and concerns regarding the tasks and goals of the Plan.	Pages 20, 51.





The Local Trial Courts

The local trial courts are responsible for identifying LEP individuals in court proceedings and court clerks are responsible for scheduling interpreters for court events. Court clerks also collect information for payment and contact the Communication Access Specialist when assistance on language access services is needed.

Goal:	Task(s):	Page(s) in Plan:
1. Assist LEP individuals.	A. If a court user has difficulty communicating, use “I Speak” cards or other resources to inform the person of their right to an interpreter.	Pages 22, 28.
	B. Schedule interpreter services as needed.	Pages 28, 29.
2. Have a key resource in the court clerk’s office who is familiar with Judicial Branch LEP policies and procedures, especially the process to provide interpreter services to LEP individuals.	If a court has a need for an interpreter at least once per week, designate someone in the clerks’ office to be a LEP Coordinator.	Page 25.
3. Monitor assistive listening systems and devices.	Report any issues of assistive listening systems or devices not working properly to the Communication Access Specialist.	Page 31.
4. Keep court access signage up to date and readable.	Review public signage every administrative week and make sure it is up to date and readable.	Page 38.





The Limited English Proficiency Advisory Committee

The purpose of the Limited English Proficiency Advisory Committee is to advise Judicial Branch leadership in developing and maintaining a comprehensive system for providing and improving access to Maine state courts for individuals with limited English proficiency or hearing loss.

The creation of this Standing Advisory Committee is intended to assist the Administrative Office of the Courts, judicial leadership, trial court judges, and the rest of the Judicial Branch staff with issues associated with access to the court system by LEP individuals.

Goal:	Task(s):	Page(s) in Plan:
1. Advise Judicial Branch Leadership in developing and maintaining a comprehensive system for providing and improving language access to Maine state courts.	A. Provide feedback to the Court Access Team on the needs of LEP individuals in the Maine state courts as well as solutions to address these needs.	Page 25.
	B. Help to develop new and improved language access initiatives.	Page 25.
	C. Actively participate in meetings and make language access recommendations to Judicial Branch leadership.	Page 25.
	D. Seek additional grant funds to support this effort.	Page 41.
2. Review Plan and ensure progress and momentum is maintained.	Review Plan annually and assist with the development of a new Plan every two (2) years.	Page 50.





Appendix C. Online References

- Maine Judicial Branch website, at: www.courts.maine.gov.
- Judicial Branch Limited English Proficiency (LEP) Advisory Committee, at: www.courts.maine.gov/maine_courts/committees/lep.html.
- Judicial Branch Limited English Proficiency Information webpage, "Accessibility and Interpreters," at: www.courts.maine.gov/citizen_help/access_interp.html.
- State Immigration Data Profile: Maine, Migration Policy Institute, at: www.migrationpolicy.org/data/state-profiles/state/demographics/ME/.
- *US Immigration Trends: Total LEP Population (Age 5 and Older): Number and Share by State, 1990, 2000, 2010, 2016*, Migration Policy Institute, at: www.migrationpolicy.org/programs/data-hub/us-immigration-trends#labor.
- Top countries of origin for new immigrants to the United States, by state, in 2014, at: https://public.tableau.com/profile/the.pew.charitable.trusts#!/vizhome/NewImmigrants_0/Dashboard1.
- Information about Somali immigrants in Maine. Jakimides, Annaliese. *"The Story of Us - Perspectives on Immigration"*. The Maine Humanities Council Newsletter, Winter 10-11, at: www.mainehumanities.org/blog/print-newsletters/.
- Information about Somali immigrants in Maine. *"A New Group Seeks to Be Voice of Somali Community in Portland"*. MPBN. June 24, 2011. Found at: www.hiiraan.com/news4/2011/Jun/19222/a_new_group_seeks_to_be_voice_of_somali_community_in_portland.aspx
- 2016 Disability Status Report, Maine, at: www.disabilitystatistics.org/
- Department of Justice, Title VI Legal Manual, January 11, 2001, at: www.justice.gov/crt/fcs/Title-6-Manual.
- Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002), at: www.gpo.gov/fdsys/pkg/FR-2002-06-18/pdf/02-15207.pdf.
- 5 M.R.S. § 51, at: www.mainelegislature.org/legis/statutes/5/title5sec51.html.
- 5 M.R.S. § 48-A, at: www.mainelegislature.org/legis/statutes/5/title5sec48-A.html.





- 32 M.R.S. §1524-B, at: www.mainelegislature.org/legis/statutes/32/title32sec1524-B.html.
- Judicial Branch [Administrative Order JB-06-03](#), “Maine State Courts will provide all LEP individuals who are parties or witnesses in any type of court case, or parents of minors involved in juvenile actions, with an interpreter in all court proceedings, at the State’s expense,” at: www.courts.maine.gov/rules_adminorders/adminorders/JB-06-3.html.
- Judicial Branch [Administrative Order JB-12-01](#), provides governing standards and procedures for the electronic recording of court proceedings, at: www.courts.maine.gov/rules_adminorders/adminorders/JB-12-1.html.
- Judicial Branch [Administrative Order JB-05-20](#), regarding “Public Information and Confidentiality,” at: www.courts.maine.gov/rules_adminorders/adminorders/JB-05-20.html.
- [M.R. Civ. P. 43\(I\)](#), provides that Maine state courts may appoint and compensate a neutral interpreter to interpret the testimony of a witness in court, at: www.courts.maine.gov/rules_adminorders/rules/mr_civ_p_plus_index.html.
- [M.R. Evid. 604](#), titled “Interpreters,” establishes that “[a]n interpreter must be qualified and give an oath or affirmation to make a true translation,” at: www.courts.maine.gov/rules_adminorders/rules/index.shtml.
- Supreme Judicial Court “Priorities and Strategies for Maine’s Judicial Branch” ([Strategic Plan 2015-2017](#)), at: www.courts.maine.gov/reports_pubs/reports/pdf/StrategicPlanSJCFINAL3-3-15.pdf.
- Judicial Branch [Policy on Access for People with Disabilities](#), at: www.courts.maine.gov/maine_courts/admin/ada/policy.html.
- Judicial Branch Interpreter Request Form, on the “Accessibility and Interpreters” webpage, at: www.courts.maine.gov/citizen_help/access_interp.html.
- Judicial Branch Disability Accommodation Request Form, on the “Accessibility and Interpreters” webpage, at: www.courts.maine.gov/citizen_help/access_interp.html.
- National Center for State Courts (NCSC) Council of Language Access Coordinators (CLAC), at: www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/About-us.aspx.





- *Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings* (revised 2015), at:
www.courts.maine.gov/maine_courts/admin/interpreters/interpreters_policy.html.
 - Translated versions available on this webpage in: Arabic, Chinese, French, Khmer, Russian, Somali, Spanish, and Vietnamese.
- Judicial Branch *Interpreter Manual* (revised 2017), at:
www.courts.maine.gov/maine_courts/admin/interpreters/index.html.
- Judicial Branch Interpreter Requirement information, at:
www.courts.maine.gov/maine_courts/admin/interpreters/requirements.html.
- Tier I Judicial Branch Interpreter requirements include:
 - Application for Maine Court Interpreter Work, at:
www.courts.maine.gov/maine_courts/admin/interpreters/interpreter-application.pdf.
 - National Center for State Courts Written English Examination, at:
www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Language%20Access/Written%20and%20Oral/2014%20January_Written%20Exam%20Overview%201%2029%2014.ashx.
 - ACTFL Oral Proficiency Interview, at: www.languagetesting.com/oral-proficiency-interview-opi/.
- Tier II Judicial Branch Interpreter requirements include:
 - National Center for State Courts Written Examination, at:
www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Language%20Access/Written%20and%20Oral/2014%20January_Written%20Exam%20Overview%201%2029%2014.ashx.
- Tier III Judicial Branch Interpreter requirements include:
 - Federal Court certification, at: www.uscourts.gov/services-forms/federal-court-interpreters/federal-court-interpreter-certification-examination.
 - National Center for State Courts Oral Examination, at:
www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Language%20Access/Written%20and%20Oral/2014%20January_Oral%20Exam%20Overview%20for%20Candidates%201%2029%2014.ashx.





- Maine Commission on Indigent Legal Services (MCILS), at: www.maine.gov/mcils/.
- Judicial Branch [Court Forms](http://www.courts.maine.gov/fees_forms/forms/index.shtml) webpage, at: www.courts.maine.gov/fees_forms/forms/index.shtml.
- Judicial Branch [Translated Court Forms and Documents](http://www.courts.maine.gov/fees_forms/forms/trans_docs/index.html) webpage, at: www.courts.maine.gov/fees_forms/forms/trans_docs/index.html.
- Judicial Branch [Arraignment Video](http://www.courts.maine.gov/citizen_help/criminal.html) (2018), at: www.courts.maine.gov/citizen_help/criminal.html.
- Judicial Branch [Guide for Families in Child Protection Cases](http://www.courts.maine.gov/maine_courts/family/child-protect-main.html) (2018), at: www.courts.maine.gov/maine_courts/family/child-protect-main.html.
- Judicial Branch [Guide to Protection from Abuse and Protection from Harassment](http://www.courts.maine.gov/maine_courts/district/pa-ph-guide.pdf) (2018), at: www.courts.maine.gov/maine_courts/district/pa-ph-guide.pdf.
- Maine Justice Action Group (JAG), at: www.justicemaine.org/grants-and-programs/justice-action-group/.
- Judicial Branch [Grievance Procedure for Disability Accommodation](http://www.courts.maine.gov/maine_courts/admin/ada/grievance.html), at: www.courts.maine.gov/maine_courts/admin/ada/grievance.html.
 - Translated versions available on this webpage in: [Arabic](#), [Chinese](#), [French](#), [Khmer](#), [Russian](#), [Somali](#), [Spanish](#), and [Vietnamese](#).
- Judicial Branch [Grievance Form for Disability Accommodation](http://www.courts.maine.gov/maine_courts/admin/ada/disability-accommodation-grievance.pdf), at: www.courts.maine.gov/maine_courts/admin/ada/disability-accommodation-grievance.pdf.
- Judicial Branch [Complaints Against Interpreters](http://www.courts.maine.gov/maine_courts/admin/interpreters/complaints.html), at: www.courts.maine.gov/maine_courts/admin/interpreters/complaints.html
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